

112TH CONGRESS
1ST SESSION

H. R. 1950

To enact title 54, United States Code, “National Park System”, as positive law.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2011

Mr. SMITH of Texas (for himself and Mr. CONYERS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To enact title 54, United States Code, “National Park System”, as positive law.

1 *Be it enacted by the Senate and House of Representatives of the United*
2 *States of America in Congress assembled,*

3 **SECTION 1. TABLE OF CONTENTS.**

4 The table of contents for this Act is as follows:

- Sec. 1. Table of contents.
- Sec. 2. Purpose; conformity with original intent.
- Sec. 3. Enactment of title 54, United States Code.
- Sec. 4. Conforming amendments.
- Sec. 5. Conforming cross-references.
- Sec. 6. Transitional and savings provisions.
- Sec. 7. Repeals.

5 **SEC. 2. PURPOSE; CONFORMITY WITH ORIGINAL INTENT.**

6 (a) PURPOSE.—The purpose of this Act is to codify certain existing laws
7 relating to the National Park System as title 54, United States Code, “Na-
8 tional Park System”.

9 (b) CONFORMITY WITH ORIGINAL INTENT.—In the codification of laws
10 by this Act, the intent is to conform to the understood policy, intent, and
11 purpose of Congress in the original enactments, with such amendments and
12 corrections as will remove ambiguities, contradictions, and other imperfec-

1 tions, in accordance with section 205(c)(1) of House Resolution No. 988,
 2 93d Congress, as enacted into law by Public Law 93–554 (2 U.S.C.
 3 285b(1)).

4 **SEC. 3. ENACTMENT OF TITLE 54, UNITED STATES CODE.**

5 Title 54, United States Code, “National Park System”, is enacted as fol-
 6 lows:

TITLE 54—NATIONAL PARK SYSTEM

Subtitle I—National Park Service

**DIVISION A—ESTABLISHMENT AND GENERAL
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[RESERVED]

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2081.	Preservation of Historical and Archaeological Data	2081.01
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1 **Subtitle I—National Park Service**
2 **DIVISION A—ESTABLISHMENT AND GENERAL**
3 **ADMINISTRATION**
4 **CHAPTER 1001—GENERAL PROVISIONS**

Sec.

1001.01. Findings and purpose.

1001.02. Definitions.

5 **§ 1001.01. Findings and purpose**

6 (a) FINDINGS.—Congress declares that—

7 (1) the National Park System, which began with establishment of
8 Yellowstone National Park in 1872, has since grown to include super-
9 lative natural, historic, and recreation areas in every major region of
10 the United States and its territories and possessions;

11 (2) these areas, though distinct in character, are united through
12 their interrelated purposes and resources into one National Park Sys-
13 tem as cumulative expressions of a single national heritage;

14 (3) individually and collectively, these areas derive increased national
15 dignity and recognition of their superb environmental quality through
16 their inclusion jointly with each other in the System preserved and
17 managed for the benefit and inspiration of all the people of the United
18 States; and

19 (4) it is the purpose of this section and sections 1005.01 and
20 1009.11 of this title to include all these areas in the System and to
21 clarify the authorities applicable to the System.

22 (b) PURPOSE.—Congress directs that the promotion and regulation of the
23 various System units shall be consistent with and founded in the purpose
24 established by section 1003.01(b) of this title, to the common benefit of all
25 the people of the United States. The authorization of activities shall be con-
26 strued and the protection, management, and administration of the System
27 units shall be conducted in light of the high public value and integrity of

1 the System and shall not be exercised in derogation of the values and pur-
 2 poses for which these various areas have been established, except as directly
 3 and specifically provided by Congress.

4 **§ 1001.02. Definitions**

5 In this title:

6 (1) DIRECTOR.—The term “Director” means the Director of the Na-
 7 tional Park Service.

8 (2) SECRETARY.—The term “Secretary” means the Secretary of the
 9 Interior.

10 (3) SERVICE.—The term “Service” means the National Park Serv-
 11 ice.

12 (4) SYSTEM.—The term “System” means the areas of land and
 13 water described in section 1005.01 of this title.

14 (5) SYSTEM UNIT.—The term “System unit” means one of the areas
 15 described in section 1005.01 of this title.

16 **CHAPTER 1003—ESTABLISHMENT, DIRECTORS, AND**
 17 **OTHER EMPLOYEES**

Sec.

1003.01. Establishment and purpose.

1003.02. Directors and other employees.

1003.03. Effect on other laws.

18 **§ 1003.01. Establishment and purpose**

19 (a) ESTABLISHMENT.—There is in the Department of the Interior a serv-
 20 ice to be called the National Park Service.

21 (b) PURPOSE.—The Secretary shall promote and regulate the use of the
 22 System by means and measures that conform to the fundamental purpose
 23 of the System units, which purpose is to conserve the scenery and the nat-
 24 ural and historic objects and the wildlife in, and to provide for the enjoy-
 25 ment of, the System units in the manner and by the means that will leave
 26 them unimpaired for the enjoyment of future generations.

27 **§ 1003.02. Directors and other employees**

28 (a) DIRECTOR.—

29 (1) APPOINTMENT.—The Service shall be under the charge of a di-
 30 rector who shall be appointed by the President, by and with the advice
 31 and consent of the Senate.

32 (2) QUALIFICATIONS.—The Director shall have substantial experi-
 33 ence and demonstrated competence in land management and natural or
 34 cultural resource conservation.

35 (3) AUTHORITY.—Under the direction of the Secretary, the Director
 36 shall have the supervision, management, and control of System units.

37 In the supervision, management, and control of System units contig-

1 uous to national forests the Secretary of Agriculture may cooperate
2 with the Service to such extent as may be requested by the Secretary.

3 (b) DEPUTY DIRECTORS.—The Director shall select 2 Deputy Directors.
4 The first Deputy Director shall have responsibility for Service operations,
5 and the second Deputy Director shall have responsibility for other programs
6 assigned to the Service.

7 (c) OTHER EMPLOYEES.—The Service shall have such subordinate offi-
8 cers, clerks, and employees as may be appropriated for by Congress.

9 **§ 1003.03. Effect on other laws**

10 This chapter and sections 1009.01(a), 1009.06, 1021.01, and 1021.02 of
11 this title do not affect or modify the Act of February 15, 1901 (16 U.S.C.
12 79).

13 **CHAPTER 1005—PLANNING AND DEVELOPMENT**

Sec.

1005.01. Areas included in System.

1005.02. Study and planning of park, parkway, and recreational-area facilities.

1005.03. System development program.

1005.04. Periodic review of System.

1005.05. Boundary changes of System units.

1005.06. Additional areas for System.

14 **§ 1005.01. Areas included in System**

15 The System shall include any area of land and water administered by the
16 Secretary through the Service for park, monument, historic, parkway, rec-
17 reational, or other purposes.

18 **§ 1005.02. Study and planning of park, parkway, and rec-**
19 **reational-area facilities**

20 (a) IN GENERAL.—

21 (1) DEFINITION.—In this subsection, the term “State” includes
22 Puerto Rico, Guam, the Virgin Islands, and the District of Columbia.

23 (2) STUDY.—The Secretary shall cause the Service to make a com-
24 prehensive study, other than on land under the jurisdiction of the Sec-
25 retary of Agriculture, of the public park, parkway, and recreational
26 area programs of the United States, States, and political subdivisions
27 of States and of areas of land throughout the United States that are
28 or may be chiefly valuable as public park, parkway, or recreational
29 areas. A study shall not be made in any State without the consent and
30 approval of the State officials, boards, or departments having jurisdic-
31 tion over the land. The study shall be such as, in the judgment of the
32 Secretary, will provide data helpful in developing a plan for coordinated
33 and adequate public park, parkway, and recreational-area facilities for
34 the people of the United States.

35 (3) COOPERATION AND AGREEMENTS WITH OTHER ENTITIES.—In
36 making the study and to accomplish the purposes of this section, the
37 Secretary, through the Service—

1 (A) shall seek and accept the cooperation and assistance of Fed-
 2 eral departments or agencies having jurisdiction of land belonging
 3 to the United States; and

4 (B) may cooperate and make agreements with and seek and ac-
 5 cept the assistance of—

6 (i) other Federal agencies and instrumentalities; and

7 (ii) States, political subdivisions of States, and agencies
 8 and instrumentalities of either of them.

9 (4) STATE PLANNING.—For the purpose of developing coordinated
 10 and adequate public park, parkway, and recreational-area facilities for
 11 the people of the United States, the Secretary may aid States and po-
 12 litical subdivisions of States in planning public park, parkway, and rec-
 13 reational-areas and in cooperating with one another to accomplish these
 14 ends. Aid shall be made available through the Service acting in co-
 15 operation with such State agencies or agencies of political subdivisions
 16 of States as the Secretary considers best.

17 (b) CONSENT OF CONGRESS TO AGREEMENTS BETWEEN STATES.—The
 18 consent of Congress is given to any 2 or more States to negotiate and enter
 19 into compacts or agreements with one another with reference to planning,
 20 establishing, developing, improving, and maintaining any park, parkway, or
 21 recreational area. No compact or agreement shall be effective until approved
 22 by the legislatures of the States that are parties to the compact or agree-
 23 ment and by Congress.

24 **§ 1005.03. System development program**

25 General management plans for the preservation and use of each System
 26 unit, including areas within the national capital area, shall be prepared and
 27 revised in a timely manner by the Director. On January 1 of each year,
 28 the Secretary shall submit to Congress a list indicating the current status
 29 of completion or revision of general management plans for each System
 30 unit. General management plans for each System unit shall include—

31 (1) measures for the preservation of the area's resources;

32 (2) indications of types and general intensities of development (in-
 33 cluding visitor circulation and transportation patterns, systems, and
 34 modes) associated with public enjoyment and use of the area, including
 35 general locations, timing of implementation, and anticipated costs;

36 (3) identification of and implementation commitments for visitor car-
 37 rying capacities for all areas of the System unit; and

38 (4) indications of potential modifications to the external boundaries
 39 of the System unit, and the reasons for the modifications.

1 **§ 1005.04. Periodic review of System**

2 (a) AUTHORITY OF SECRETARY TO CONDUCT REVIEW.—The Secretary
3 shall conduct a systematic and comprehensive review of certain aspects of
4 the System and on a periodic basis (but not less often than every 3 years)
5 submit to the Committee on Natural Resources and the Committee on Ap-
6 propriations of the House of Representatives and the Committee on Energy
7 and Natural Resources and the Committee on Appropriations of the Senate
8 a report on the findings of the review, together with recommendations as
9 the Secretary determines to be necessary.

10 (b) CONSULTATION.—In conducting and preparing the report, the Sec-
11 retary shall consult with appropriate officials of affected Federal, State, and
12 local agencies and national, regional, and local organizations. The consulta-
13 tion shall include holding public hearings that the Secretary determines to
14 be appropriate to provide a full opportunity for public comment.

15 (c) CONTENTS OF REPORT.—The report shall contain the following:

16 (1) A comprehensive listing of all authorized but unacquired parcels
17 of land within the exterior boundaries of each System unit as of No-
18 vember 28, 1990.

19 (2) A priority listing of all those unacquired parcels by System unit
20 and for the System as a whole. The list shall describe the acreage and
21 ownership of each parcel, the estimated cost of acquisition for each par-
22 cel (subject to any statutory acquisition limitations for the land), and
23 the basis for the estimate.

24 (3) An analysis and evaluation of the current and future needs of
25 each System unit for resource management, interpretation, construc-
26 tion, operation and maintenance, personnel, and housing, together with
27 an estimate of the costs.

28 **§ 1005.05. Boundary changes of System units**

29 (a) CRITERIA FOR EVALUATION.—The Secretary shall maintain criteria
30 to evaluate any proposed changes to the boundaries of System units, includ-
31 ing—

32 (1) analysis of whether or not an existing boundary provides for the
33 adequate protection and preservation of the natural, historic, cultural,
34 scenic and recreational resources integral to the System unit;

35 (2) an evaluation of each parcel proposed for addition or deletion to
36 a System unit based on the analysis under paragraph (1); and

37 (3) an assessment of the impact of potential boundary adjustments
38 taking into consideration the factors in section 1005.04(c)(3) of this
39 title and the effect of the adjustments on the local communities and
40 surrounding area.

1 (b) PROPOSAL OF SECRETARY.—In proposing a boundary change to a
2 System unit, the Secretary shall—

3 (1) consult with affected agencies of State and local governments,
4 surrounding communities, affected landowners, and private national,
5 regional, and local organizations;

6 (2) apply the criteria developed pursuant to subsection (a) and ac-
7 company the proposal with a statement reflecting the results of the ap-
8 plication of the criteria; and

9 (3) include with the proposal an estimate of the cost for acquiring
10 any parcels proposed for acquisition, the basis for the estimate, and a
11 statement on the relative priority for the acquisition of each parcel
12 within the priorities for acquisition of other parcels for the System unit
13 and for the System.

14 **§ 1005.06. Additional areas for System**

15 (a) MONITORING AREAS FOR INCLUSION IN SYSTEM.—The Secretary
16 shall investigate, study, and continually monitor the welfare of areas whose
17 resources exhibit qualities of national significance and that may have poten-
18 tial for inclusion in the System.

19 (b) SUBMISSION OF LIST OF AREAS RECOMMENDED FOR STUDY FOR PO-
20 TENTIAL INCLUSION.—

21 (1) WHEN LIST IS TO BE SUBMITTED.—At the beginning of each cal-
22 endar year, with the annual budget submission, the Secretary shall sub-
23 mit to the Committee on Natural Resources of the House of Represent-
24 atives and the Committee on Energy and Natural Resources of the
25 Senate a list of areas recommended for study for potential inclusion in
26 the System.

27 (2) FACTORS TO BE CONSIDERED.—In developing the list to be sub-
28 mitted under this subsection, the Secretary shall consider—

29 (A) the areas that have the greatest potential to meet the estab-
30 lished criteria of national significance, suitability, and feasibility;

31 (B) themes, sites, and resources not already adequately rep-
32 resented in the System; and

33 (C) public petitions and Congressional resolutions.

34 (3) ACCOMPANYING SYNOPSIS.—Accompanying the annual listing of
35 areas shall be a synopsis, for each report previously submitted, of the
36 current and changed condition of the resource integrity of the area and
37 other relevant factors, compiled as a result of continual periodic moni-
38 toring and embracing the period since the previous submission or initial
39 report submission one year earlier.

1 (4) CONGRESSIONAL AUTHORIZATION REQUIRED.—No study of the
2 potential of an area for inclusion in the System may be initiated except
3 as provided by specific authorization of an Act of Congress.

4 (5) AUTHORITY TO CONDUCT CERTAIN ACTIVITIES NOT LIMITED.—
5 This section and sections 1009.02(1), 1017.02(b) and (c), and 1021.03
6 of this title do not limit the authority of the Service to conduct prelimi-
7 nary resource assessments, gather data on potential study areas, pro-
8 vide technical and planning assistance, prepare or process nominations
9 for administrative designations, update previous studies, or complete
10 reconnaissance surveys of individual areas requiring a total expenditure
11 of less than \$25,000.

12 (6) STUDY OF RIVERS OR TRAILS NOT AFFECTED.—This section
13 does not apply to or affect or alter the study of—

14 (A) any river segment for potential addition to the national wild
15 and scenic rivers system; or

16 (B) any trail for potential addition to the national trails system.

17 (c) STUDY OF AREAS FOR POTENTIAL INCLUSION.—

18 (1) STUDY TO BE COMPLETED WITHIN 3 YEARS.—The Secretary
19 shall complete the study for each area for potential inclusion in the
20 System within 3 complete fiscal years following the date on which
21 funds are first made available for that purpose.

22 (2) OPPORTUNITY FOR PUBLIC INVOLVEMENT REQUIRED.—Each
23 study under this section shall be prepared with appropriate opportunity
24 for public involvement, including at least one public meeting in the vi-
25 cinity of the area under study, and after reasonable efforts to notify
26 potentially affected landowners and State and local governments.

27 (3) CONSIDERATIONS.—In conducting the study, the Secretary shall
28 consider whether the area under study—

29 (A) possesses nationally significant natural or cultural resources
30 and represents one of the most important examples of a particular
31 resource type in the country; and

32 (B) is a suitable and feasible addition to the System.

33 (4) SCOPE OF STUDY.—Each study—

34 (A) with regard to the area being studied, shall consider—

35 (i) the rarity and integrity of the resources;

36 (ii) the threats to those resources;

37 (iii) whether similar resources are already protected in the
38 System or in other public or private ownership;

39 (iv) the public use potential;

40 (v) the interpretive and educational potential;

1 (vi) costs associated with acquisition, development, and op-
2 eration;

3 (vii) the socioeconomic impacts of any designation;

4 (viii) the level of local and general public support; and

5 (ix) whether the area is of appropriate configuration to en-
6 sure long-term resource protection and visitor use;

7 (B) shall consider whether direct Service management or alter-
8 native protection by other public agencies or the private sector is
9 appropriate for the area;

10 (C) shall identify what alternative or combination of alternatives
11 would in the professional judgment of the Director be most effec-
12 tive and efficient in protecting significant resources and providing
13 for public enjoyment; and

14 (D) may include any other information that the Secretary con-
15 siders to be relevant.

16 (5) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF
17 1969.—Each study shall be completed in compliance with the National
18 Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

19 (6) RECOMMENDATION OF PREFERRED MANAGEMENT OPTION.—The
20 letter transmitting each completed study to Congress shall contain a
21 recommendation regarding the Secretary's preferred management op-
22 tion for the area.

23 (d) LIST OF AREAS PREVIOUSLY STUDIED.—

24 (1) WHEN LIST IS TO BE SUBMITTED.—At the beginning of each cal-
25 endar year, with the annual budget submission, the Secretary shall sub-
26 mit to the Committee on Natural Resources of the House of Represent-
27 atives and the Committee on Energy and Natural Resources of the
28 Senate, in numerical order of priority for addition to the System—

29 (A) a list of areas that have been previously studied that con-
30 tain primarily historical resources; and

31 (B) a list of areas that have been previously studied that con-
32 tain primarily natural resources.

33 (2) CONSIDERATIONS.—In developing the lists, the Secretary should
34 consider threats to resource values, cost escalation factors, and other
35 factors listed in subsection (c).

36 (3) AREAS ELIGIBLE FOR INCLUSION.—The Secretary should include
37 on the lists only areas for which the supporting data are current and
38 accurate.

39 (e) LIST OF AREAS THAT EXHIBIT DANGER OR THREATS TO THE IN-
40 TEGRITY OF THEIR RESOURCES.—At the beginning of each fiscal year, the
41 Secretary shall submit to the Speaker of the House of Representatives and

1 the President of the Senate a complete and current list of all areas listed
 2 on the Registry of Natural Landmarks, and areas of national significance
 3 listed on the National Register of Historic places, that exhibit known or an-
 4 ticipated damage or threats to the integrity of their resources, with nota-
 5 tions as to the nature and severity of the damage or threats.

6 (f) REPORTS AND LISTINGS PRINTED AS HOUSE DOCUMENTS.—Each re-
 7 port and annual listing described in this section shall be printed as a House
 8 document. If adequate supplies of previously printed identical reports re-
 9 main available, newly submitted identical reports shall be omitted from
 10 printing on receipt by the Speaker of the House of Representatives of a
 11 joint letter from the chairman of the Committee on Natural Resources of
 12 the House of Representatives and the chairman of the Committee on En-
 13 ergy and Natural Resources of Senate indicating that to be the case.

14 (g) DESIGNATION OF OFFICE.—The Secretary shall designate a single of-
 15 fice to prepare all new area studies and to implement other functions under
 16 this section.

17 (h) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) STUDIES OF POTENTIAL NEW SYSTEM UNITS AND MONITORING
 19 THE WELFARE OF SYSTEM UNIT RESOURCES.—To carry out studies for
 20 potential new System units and for monitoring the welfare of historical
 21 and natural resources referred to in subparagraphs (A) and (B) of sub-
 22 section (d)(1), there is authorized to be appropriated not to exceed
 23 \$1,000,000 for each fiscal year.

24 (2) MONITORING WELFARE AND INTEGRITY OF NATIONAL LAND-
 25 MARKS.—To monitor the welfare and integrity of the national land-
 26 marks, there is authorized to be appropriated not to exceed \$1,500,000
 27 for each fiscal year.

28 (3) CARRYING OUT SUBSECTIONS (b), (c), and (g).—To carry out
 29 subsections (b), (c), and (g), there is authorized to be appropriated
 30 \$2,000,000 for each fiscal year.

31 **CHAPTER 1007—MANAGEMENT**

Subchapter I—Maintenance

Sec.

1007.01. Maintenance management system.

Subchapter II—Service Career Development, Training, and Management

1007.11. Protection, interpretation, and research in System.

1007.12. Service employee training.

1007.13. Management development and training.

1007.14. System unit accountability and budgets.

Subchapter III—System Resource Inventory and Management

1007.21. Purposes.

1007.22. Research mandate.

1007.23. Cooperative agreements.

1007.24. Inventory and monitoring program.

1007.25. Availability of System units for scientific study.

1007.26. Integration of study results into management decisions.

1007.27. Confidentiality of information.

1

Subchapter I—Maintenance

2

§ 1007.01. Maintenance management system

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The Service shall implement a maintenance management system in the maintenance and operations programs of the System. The system shall include the following elements:

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(1) A workload inventory of assets including detailed information that quantifies for all assets (including buildings, roads, utility systems, and grounds that must be maintained) the characteristics affecting the type of maintenance work performed.

10

(2) A set of maintenance tasks that describe the maintenance work in each System unit.

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(3) A description of work standards including—

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(A) frequency of maintenance;

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(B) measurable quality standard to which assets should be maintained;

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(C) methods for accomplishing work;

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(D) required labor, equipment, and material resources; and

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(E) expected worker production for each maintenance task.

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(4) A work program and performance budget that develops an annual work plan identifying maintenance needs and financial resources to be devoted to each maintenance task.

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(5) A work schedule that identifies and prioritizes tasks to be done in a specific time period and specifies required labor resources.

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(6) Work orders specifying job authorizations and a record of work accomplished that can be used to record actual labor and material costs.

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(7) Reports and special analyses that compare planned versus actual accomplishments and costs and that can be used to evaluate maintenance operations.

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Subchapter II—Service Career Development, Training, and Management

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§ 1007.11. Protection, interpretation, and research in System

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Recognizing the ever increasing societal pressures being placed upon America's unique natural and cultural resources contained in the System, the Secretary shall continually improve the ability of the Service to provide state-of-the-art management, protection, and interpretation of, and research on, the resources of the System.

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§ 1007.12. Service employee training

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The Secretary shall develop a comprehensive training program for employees in all professional careers in the workforce of the Service for the

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1 purpose of ensuring that the workforce has available the best, up-to-date
 2 knowledge, skills, and abilities with which to manage, interpret, and protect
 3 the resources of the System.

4 **§ 1007.13. Management development and training**

5 The Secretary shall maintain a clear plan for management training and
 6 development under which career professional Service employees from any
 7 appropriate academic field may obtain sufficient training, experience, and
 8 advancement opportunity to enable those qualified to move into System unit
 9 management positions, including the position of superintendent of a System
 10 unit.

11 **§ 1007.14. System unit accountability and budgets**

12 (a) STRATEGIC AND PERFORMANCE PLANS.—Each System unit shall pre-
 13 pare and make available to the public a 5-year strategic plan and an annual
 14 performance plan. The plans shall reflect the Service policies, goals, and
 15 outcomes represented in the Service-wide strategic plan prepared pursuant
 16 to section 306 of title 5.

17 (b) ANNUAL BUDGET.—

18 (1) IN GENERAL.—As a part of the annual performance plan for a
 19 System unit prepared pursuant to subsection (a), following receipt of
 20 the appropriation for the unit from the Operations of the National
 21 Park System account (but not later than January 1 of each year), the
 22 superintendent of the System unit shall develop and make available to
 23 the public the budget for the current fiscal year for that System unit.

24 (2) CONTENTS.—The budget shall include—

25 (A) funding allocations for resource preservation (including re-
 26 source management), visitor services (including maintenance, in-
 27 terpretation, law enforcement, and search and rescue), and admin-
 28 istration; and

29 (B) allocations into each of the categories in subparagraph (A)
 30 of all funds retained from fees collected for that year, including
 31 special use permits, concession franchise fees, and recreation use
 32 and entrance fees.

33 **Subchapter III—System Resource Inventory and**
 34 **Management**

35 **§ 1007.21. Purposes**

36 The purposes of this subchapter are—

37 (1) to more effectively achieve the mission of the Service;

38 (2) to enhance management and protection of System resources by
 39 providing clear authority and direction for the conduct of scientific
 40 study in the System and to use the information gathered for manage-
 41 ment purposes;

1 (3) to ensure appropriate documentation of resource conditions in
2 the System;

3 (4) to encourage others to use the System for study to the benefit
4 of System management as well as broader scientific value, where such
5 study is consistent with chapter 1003 and sections 1009.01(a),
6 1009.06, 1021.01, and 1021.02 of this title; and

7 (5) to encourage the publication and dissemination of information
8 derived from studies in the System.

9 **§ 1007.22. Research mandate**

10 The Secretary shall ensure that management of System units is enhanced
11 by the availability and utilization of a broad program of the highest quality
12 science and information.

13 **§ 1007.23. Cooperative agreements**

14 The Secretary shall enter into cooperative agreements with colleges and
15 universities, including land grant schools, in partnership with other Federal
16 and State agencies, to establish cooperative study units to conduct multi-
17 disciplinary research and develop integrated information products on the re-
18 sources of the System, or the larger region of which System units are a
19 part.

20 **§ 1007.24. Inventory and monitoring program**

21 The Secretary shall undertake a program of inventory and monitoring of
22 System resources to establish baseline information and to provide informa-
23 tion on the long-term trends in the condition of System resources. The mon-
24 itoring program shall be developed in cooperation with other Federal moni-
25 toring and information collection efforts to ensure a cost-effective approach.

26 **§ 1007.25. Availability of System units for scientific study**

27 (a) IN GENERAL.—The Secretary may solicit, receive, and consider re-
28 quests from Federal or non-Federal public or private agencies, organiza-
29 tions, individuals, or other entities for the use of any System unit for pur-
30 poses of scientific study.

31 (b) CRITERIA.—A request for use of a System unit under subsection (a)
32 may be approved if the Secretary determines that the proposed study—

33 (1) is consistent with applicable laws and Service management poli-
34 cies; and

35 (2) will be conducted in such a manner as to pose no threat to the
36 System unit resources or public enjoyment derived from System unit
37 resources.

38 (c) FEE WAIVER.—The Secretary may waive any System unit admission
39 or recreational use fee in order to facilitate the conduct of scientific study
40 under this section.

(d) BENEFIT-SHARING ARRANGEMENTS.—The Secretary may enter into equitable, efficient benefit-sharing arrangements with the research community and private industry.

§ 1007.26. Integration of study results into management decisions

The Secretary shall take such measures as are necessary to ensure the full and proper utilization of the results of scientific study for System unit management decisions. In each case in which an action undertaken by the Service may cause a significant adverse effect on a System unit resource, the administrative record shall reflect the manner in which System unit resource studies have been considered. The trend in the condition of resources of the System shall be a significant factor in the annual performance evaluation of each superintendent of a System unit.

§ 1007.27. Confidentiality of information

Information concerning the nature and specific location of a System resource that is endangered, threatened, rare, or commercially valuable, of mineral or paleontological objects within System units, or of objects of cultural patrimony within System units, may be withheld from the public in response to a request under section 552 of title 5 unless the Secretary determines that—

(1) disclosure of the information would further the purposes of the System unit in which the resource or object is located and would not create an unreasonable risk of harm, theft, or destruction of the resource or object, including individual organic or inorganic specimens; and

(2) disclosure is consistent with other laws protecting the resource or object.

CHAPTER 1009—ADMINISTRATION

Sec.

- 1009.01. Regulations.
- 1009.02. Authority of Secretary to carry out certain activities.
- 1009.03. Central warehouses at System units.
- 1009.04. Services or other accommodations for public.
- 1009.05. Care, removal, and burial of indigents.
- 1009.06. Destruction of animals and plant life.
- 1009.07. Hire of work animals, vehicles, and equipment with or without personal services.
- 1009.08. Preparation of mats for reproduction of photographs.
- 1009.09. Advisory committees.
- 1009.10. Relinquishment of legislative jurisdiction.
- 1009.11. Applicability of other laws.

§ 1009.01. Regulations

(a) USE AND MANAGEMENT OF SYSTEM UNITS.—The Secretary shall make such regulations as the Secretary considers necessary or proper for the use and management of System units. A person that violates any regulation authorized by this subsection and chapter 1003 and sections 1009.06,

1 1021.01, and 1021.02 of this title shall be fined under title 18, imprisoned
 2 not more than 6 months, or both, and be adjudged to pay all cost of the
 3 proceedings.

4 (b) BOATING AND OTHER ACTIVITIES ON OR RELATING TO BODIES OF
 5 WATER.—To facilitate the administration of the System, the Secretary,
 6 under such terms and conditions as the Secretary considers advisable, may
 7 prescribe and enforce regulations concerning boating and other activities on
 8 or relating to bodies of water located within System units, including bodies
 9 of water subject to the jurisdiction of the United States. Any regulation
 10 adopted pursuant to this subsection shall be complementary to, and not in
 11 derogation of, the authority of the Coast Guard to regulate the use of bodies
 12 of water subject to the jurisdiction of the United States.

13 **§ 1009.02. Authority of Secretary to carry out certain activi-**
 14 **ties**

15 To facilitate the administration of the System, the Secretary, under such
 16 terms and conditions as the Secretary may consider advisable, may carry
 17 out the following activities:

18 (1) SERVICES, RESOURCES, OR WATER CONTRACTS.—The Secretary
 19 may enter into contracts that provide for the sale or lease to persons,
 20 States, or political subdivisions of States, of services, resources, or
 21 water available within a System unit, as long as the activity does not
 22 jeopardize or unduly interfere with the primary natural or historic re-
 23 source of the System unit, if the person, State, or political subdivi-
 24 sion—

25 (A) provides public accommodations or services within the im-
 26 mediate vicinity of the System unit to individuals visiting the Sys-
 27 tem unit; and

28 (B) demonstrates to the Secretary that there are no reasonable
 29 alternatives by which to acquire or perform the necessary services,
 30 resources, or water.

31 (2) VEHICULAR AIR CONDITIONING.—The Secretary may acquire,
 32 and have installed, air conditioning units for any Government-owned
 33 passenger motor vehicles used by the Service, where assigned duties ne-
 34 cessitate long periods in automobiles or in regions of the United States
 35 where high temperatures and humidity are common and prolonged.

36 (3) UTILITY FACILITIES.—The Secretary may erect and maintain
 37 fire protection facilities, water lines, telephone lines, electric lines, and
 38 other utility facilities adjacent to any System unit, where necessary, to
 39 provide service in the System unit.

40 (4) SUPPLIES AND RENTAL OF EQUIPMENT.—The Secretary may
 41 furnish, on a reimbursement of appropriation basis, supplies, and rent

1 equipment, to persons and agencies that, in cooperation with and sub-
 2 ject to the approval of the Secretary, render services or perform func-
 3 tions that facilitate or supplement the activities of the Department of
 4 the Interior in the administration of the System. The reimbursements
 5 may be credited to the appropriation current at the time reimburse-
 6 ments are received.

7 (5) CONTRACTS FOR UTILITY FACILITIES.—The Secretary may con-
 8 tract, under terms and conditions that the Secretary considers to be
 9 in the interest of the Federal Government, for the sale, operation,
 10 maintenance, repair, or relocation of Government-owned electric and
 11 telephone lines and other utility facilities used for the administration
 12 and protection of the System, regardless of whether the lines and facili-
 13 ties are located within or outside the System.

14 (6) RIGHTS-OF-WAY.—The Secretary may acquire—

15 (A) rights-of-way as may be necessary to construct, improve,
 16 and maintain roads within the authorized boundaries of any Sys-
 17 tem unit; and

18 (B) land and interests in land adjacent to the rights-of-way,
 19 when—

20 (i) considered necessary by the Secretary—

21 (I) to provide adequate protection of natural features;

22 or

23 (II) to avoid traffic and other hazards resulting from
 24 private road access connections; or

25 (ii) the acquisition of adjacent residual tracts, which other-
 26 wise would remain after acquiring the rights-of-way, would be
 27 in the public interest.

28 (7) OPERATION AND MAINTENANCE OF MOTOR AND OTHER EQUIP-
 29 MENT.—

30 (A) IN GENERAL.—The Secretary may operate, repair, main-
 31 tain, and replace motor and other equipment on a reimbursable
 32 basis when the equipment is used on Federal projects of the Sys-
 33 tem, chargeable to other appropriations, or on work of other Fed-
 34 eral agencies, when requested by the agencies.

35 (B) REIMBURSEMENT.—Reimbursement shall be—

36 (i) made from appropriations applicable to the work on
 37 which the equipment is used at rental rates established by the
 38 Secretary, based on actual or estimated cost of operation, re-
 39 pair, maintenance, depreciation, and equipment management
 40 control; and

(ii) credited to appropriations currently available at the time adjustment is effected.

(C) RENTAL OF EQUIPMENT FOR FIRE CONTROL PURPOSES.—

The Secretary may rent equipment for fire control purposes to State, county, private, or other non-Federal agencies that cooperate with the Secretary in the administration of the System and other areas in fire control. The rental shall be under the terms of written cooperative agreements. The amount collected for the rentals shall be credited to appropriations currently available at the time payment is received.

§ 1009.03. Central warehouses at System units

(a) AUTHORITY OF SECRETARY.—The Secretary, in the administration of the System, may maintain central warehouses at System units.

(b) APPROPRIATIONS.—

(1) AVAILABILITY.—Appropriations made for the administration, protection, maintenance, and improvement of System units shall be available for the purchase of supplies and materials to be kept in central warehouses for distribution at cost, including transportation and handling, to projects under specific appropriations.

(2) TRANSFERS BETWEEN APPROPRIATIONS.—

(A) AUTHORIZATION.—Transfers between the various appropriations made for System units are authorized for the purpose of charging the cost of supplies and materials, including transportation and handling, drawn from central warehouses maintained under this authority to the particular appropriation benefited.

(B) AVAILABILITY OF SUPPLIES AND MATERIALS AND TRANSFERS IN SUBSEQUENT YEARS.—Supplies and materials that remain at the end of any fiscal year shall be continuously available for issuance during subsequent fiscal years and shall be charged for by transfers of funds between appropriations made for the administration, protection, maintenance, and improvement of System units for the fiscal year then current without decreasing the appropriations made for that fiscal year.

(c) LIMITATION ON PURCHASE OF SUPPLIES AND MATERIALS.—Supplies and materials shall not be purchased solely for the purpose of increasing the value of storehouse stock beyond reasonable requirements for any current fiscal year.

§ 1009.04. Services or other accommodations for public

The Secretary may contract for services or other accommodations provided in System units for the public under contract with the Department of the Interior, as may be required in the administration of the Service, at

1 rates approved by the Secretary for the furnishing of those services or ac-
 2 commodations to the Federal Government and without compliance with sec-
 3 tion 6101 of title 41.

4 **§ 1009.05. Care, removal, and burial of indigents**

5 The Secretary may provide, out of amounts appropriated for the general
 6 expenses of System units, for the temporary care and removal from a Sys-
 7 tem unit of indigents, and in case of death to provide for their burial in
 8 System units not under local jurisdiction for these purposes. This section
 9 does not authorize transportation of indigents or deceased for a distance of
 10 more than 50 miles from the System unit.

11 **§ 1009.06. Destruction of animals and plant life**

12 The Secretary may provide for the destruction of such animals and plant
 13 life as may be detrimental to the use of any System unit.

14 **§ 1009.07. Hire of work animals, vehicles, and equipment**
 15 **with or without personal services**

16 The Secretary may hire, with or without personal services, work animals
 17 and animal-drawn and motor-propelled vehicles and equipment at rates to
 18 be approved by the Secretary and without compliance with section 6101 of
 19 title 41.

20 **§ 1009.08. Preparation of mats for reproduction of photo-**
 21 **graphs**

22 The Secretary shall have prepared mats that may be used for the repro-
 23 duction in magazines and newspapers of photographs of scenery in a System
 24 unit that, in the opinion of the Secretary, would be of interest to the people
 25 of the United States and foreign nations. The mats may be furnished, with-
 26 out charge and under regulations the Secretary may prescribe, to the pub-
 27 lishers of magazines, newspapers, and any other publications that may carry
 28 photographic reproductions.

29 **§ 1009.09. Advisory committees**

30 (a) ESTABLISHMENT.—To facilitate the administration of the System, the
 31 Secretary, under such terms and conditions as the Secretary may consider
 32 advisable, may appoint and establish such advisory committees in regard to
 33 the functions of the Service as the Secretary considers advisable.

34 (b) CHARTER EXCEPTION.—Section 14(b) of the Federal Advisory Com-
 35 mittee Act (5 U.S.C. App.) is waived with respect to any advisory commis-
 36 sion or advisory committee established by law in connection with any Sys-
 37 tem unit during the period for which the commission or committee is au-
 38 thorized by law.

39 (c) SERVICE OF MEMBERS.—Any member of any advisory commission or
 40 advisory committee established in connection with any System unit may

1 serve after the expiration of the member's term until a successor is ap-
2 pointed.

3 (d) COMPENSATION AND TRAVEL EXPENSES.—Members of an advisory
4 committee established under subsection (a) shall receive no compensation
5 for their services as such but shall be allowed necessary travel expenses as
6 authorized by section 5703 of title 5.

7 **§ 1009.10. Relinquishment of legislative jurisdiction**

8 (a) IN GENERAL.—Notwithstanding any other provision of law, the Sec-
9 retary may relinquish to a State or a territory or possession of the United
10 States part of the legislative jurisdiction of the United States over System
11 land or interests in land in that State, territory, or possession. Relinquish-
12 ment may be accomplished—

13 (1) by filing with the chief executive officer of the State, territory,
14 or possession a notice of relinquishment to take effect on acceptance;
15 or

16 (2) as the laws of the State, territory, or possession may otherwise
17 provide.

18 (b) SUBMISSION OF AGREEMENT TO CONGRESS.—Prior to consummating
19 a relinquishment under subsection (a), the Secretary shall submit the pro-
20 posed agreement to the Committee on Energy and Natural Resources of the
21 Senate and the Committee on Natural Resources of the House of Represent-
22 atives. The Secretary shall not finalize the agreement until 60 calendar days
23 after the submission has elapsed.

24 (c) CONCURRENT LEGISLATIVE JURISDICTION.—The Secretary shall dili-
25 gently pursue the consummation of arrangements with each State, territory,
26 or possession within which a System unit is located so that insofar as prac-
27 ticable the United States shall exercise concurrent legislative jurisdiction
28 within System units.

29 **§ 1009.11. Applicability of other laws**

30 (a) IN GENERAL.—This section and sections 1005.01, 1009.02(3) to (7),
31 1013.01(1)(B), 1019.01(2), and 1029.11 of this title, and the various au-
32 thorities relating to the administration and protection of System units, in-
33 cluding the provisions of law listed in subsection (b), shall, to the extent
34 that those provisions are not in conflict with any such specific provision, be
35 applicable to System units, and any reference in any of these provisions to
36 a System unit does not limit those provisions to that System unit.

37 (b) APPLICABLE PROVISIONS.—The provisions of law referred to in sub-
38 section (a) are—

39 (1) chapter 1003, sections 1009.01(a), 1009.04 to 1009.06, 1011.01,
40 1011.02, 1015.11, 1021.01, 1021.02, 1029.12, and 1033.01, and chap-
41 ter 1053 of this title;

- 1 (2) the Act of March 4, 1911 (43 U.S.C. 961); and
 2 (3) chapter 2001 of this title.

3 **CHAPTER 1011—DONATIONS**

Subchapter I—Authority of Secretary

Sec.

- 1011.01. Authority to accept land, rights-of-way, buildings, other property, and money.
 1011.02. Authority to accept and use funds to consolidate Federal land ownership.

Subchapter II—National Park Foundation

- 1011.11. Purposes and establishment of Foundation.
 1011.12. Board.
 1011.13. Gifts, devises, or bequests.
 1011.14. Disposition of property or income.
 1011.15. Corporate succession and powers and duties acting as trustee; personal liability for malfeasance.
 1011.16. Corporate powers.
 1011.17. Authority of Board.
 1011.18. Tax exemptions; contributions toward costs of local government; contributions, gifts, or transfers to or for use of United States.
 1011.19. Liability of United States.
 1011.20. Promotion of local fundraising support.

4 **Subchapter I—Authority of Secretary**

5 **§ 1011.01. Authority to accept land, rights-of-way, buildings,**
 6 **other property, and money**

7 The Secretary in the administration of the Service may accept—

- 8 (1) patented land, rights-of-way over patented land or other land,
 9 buildings, or other property within a System unit; and
 10 (2) money that may be donated for the purposes of the System.

11 **§ 1011.02. Authority to accept and use funds to consolidate**
 12 **Federal land ownership**

13 (a) IN GENERAL.—The Secretary may—

- 14 (1) accept and use funds that may be donated in order to consolidate
 15 Federal land ownership within the existing boundaries of any System
 16 unit; and
 17 (2) encourage the donation of funds for that purpose, subject to the
 18 condition that donated funds are to be expended for purposes of this
 19 section only if Federal funds in an amount equal to the amount of the
 20 donated funds are appropriated for the purposes of this section.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be
 22 appropriated for each fiscal year such amounts as are necessary to match
 23 funds that are donated for those purposes, not to exceed \$500,000.

24 (c) LIMIT ON ANNUAL AMOUNT.—The amount that may be appropriated
 25 annually for purposes of this section shall be limited to \$500,000.

26 **Subchapter II—National Park Foundation**

27 **§ 1011.11. Purpose and establishment of Foundation**

28 To encourage private gifts of real and personal property, or any income
 29 from, or other interest in, the property, for the benefit of, or in connection
 30 with, the Service, its activities, or its services, and thereby to further the

1 conservation of natural, scenic, historic, scientific, educational, inspirational,
 2 or recreational resources for future generations of Americans, there is estab-
 3 lished a charitable and nonprofit corporation to be known as the National
 4 Park Foundation to accept and administer those gifts.

5 **§ 1011.12. Board**

6 (a) MEMBERSHIP.—The National Park Foundation shall consist of a
 7 Board having as members the Secretary, the Director, ex officio, and no
 8 fewer than 6 private citizens of the United States appointed by the Sec-
 9 retary.

10 (b) TERM OF OFFICE AND VACANCIES.—The term of the private citizen
 11 members of the Board is 6 years. If a successor is chosen to fill a vacancy
 12 occurring prior to the expiration of a term, the successor shall be chosen
 13 only for the remainder of that term.

14 (c) CHAIRMAN AND SECRETARY.—The Secretary shall be the Chairman
 15 of the Board and the Director shall be the Secretary of the Board.

16 (d) BOARD MEMBERSHIP NOT AN OFFICE.—Membership on the Board
 17 shall not be an office within the meaning of the statutes of the United
 18 States.

19 (e) QUORUM.—A majority of the members of the Board serving at any
 20 time shall constitute a quorum for the transaction of business.

21 (f) SEAL.—The National Park Foundation shall have an official seal,
 22 which shall be judicially noticed.

23 (g) MEETINGS.—The Board shall meet at the call of the Chairman and
 24 there shall be at least one meeting each year.

25 (h) COMPENSATION AND REIMBURSEMENT.—No compensation shall be
 26 paid to the members of the Board for their services as members, but they
 27 shall be reimbursed for actual and necessary traveling and subsistence ex-
 28 penses incurred by them in the performance of their duties as members out
 29 of National Park Foundation funds available to the Board for those pur-
 30 poses.

31 **§ 1011.13. Gifts, devises, or bequests**

32 (a) AUTHORITY TO ACCEPT GIFTS, DEVICES, OR BEQUESTS.—

33 (1) IN GENERAL.—The National Park Foundation may accept, re-
 34 ceive, solicit, hold, administer, and use any gifts, devises, or bequests,
 35 either absolutely or in trust of real or personal property, or any income
 36 from, or other interest in, the gift, devise, or bequest, for the benefit
 37 of, or in connection with, the Service, its activities, or its services.

38 (2) GIFT, DEVISE, OR BEQUEST THAT IS ENCUMBERED, RE-
 39 STRICTED, OR SUBJECT TO BENEFICIAL INTERESTS.—A gift, devise, or
 40 bequest may be accepted by the National Park Foundation even though
 41 it is encumbered, restricted, or subject to beneficial interests of private

1 persons if any current or future interest in the gift, devise, or bequest
2 is for the benefit of the Service, its activities, or its services.

3 (b) WHEN GIFT, DEVISE, OR BEQUEST MAY NOT BE ACCEPTED.—The
4 National Park Foundation may not accept any gift, devise, or bequest that
5 entails any expenditure other than from the resources of the Foundation.

6 (c) INTEREST IN REAL PROPERTY.—For purposes of this section, an in-
7 terest in real property includes easements or other rights for preservation,
8 conservation, protection, or enhancement by and for the public of natural,
9 scenic, historic, scientific, educational, inspirational, or recreational re-
10 sources.

11 **§ 1011.14. Disposition of property or income**

12 (a) AUTHORITY TO DISPOSE OR DEAL WITH PROPERTY OR INCOME.—
13 Except as otherwise required by the instrument of transfer, the National
14 Park Foundation may sell, lease, invest, reinvest, retain, or otherwise dis-
15 pose of or deal with any property or income from the property as the Board
16 may determine.

17 (b) RESTRICTION.—The National Park Foundation shall not engage in
18 any business or make any investment that may not lawfully be made by a
19 trust company in the District of Columbia, except that the Foundation may
20 make any investment authorized by the instrument of transfer, and may re-
21 tain any property accepted by the Foundation.

22 (c) USE OF SERVICES AND FACILITIES OF THE DEPARTMENTS OF THE
23 INTERIOR AND JUSTICE.—The National Park Foundation may utilize the
24 services and facilities of the Department of the Interior and the Department
25 of Justice, and the services and facilities may be made available on request
26 to the extent practicable with or without reimbursement. Amounts reim-
27 bursed to either Department shall be returned by the Department to the
28 account from which the funds for which the reimbursement is made were
29 drawn and may, without further appropriation, be expended for any purpose
30 for which the account is authorized.

31 **§ 1011.15. Corporate succession and powers and duties act-**
32 **ing as trustee; personal liability for malfeasance**

33 (a) PERPETUAL SUCCESSION.—The National Park Foundation shall have
34 perpetual succession.

35 (b) POWERS AND DUTIES OF TRUSTEE.—The National Park Foundation
36 shall have all the usual powers and obligations of a corporation acting as
37 a trustee, including the power to sue and to be sued in its own name.

38 (c) PERSONAL LIABILITY OF BOARD MEMBERS.—The members of the
39 Board shall not be personally liable, except for malfeasance.

1 **§ 1011.16. Corporate powers**

2 The National Park Foundation shall have the power to enter into con-
3 tracts, to execute instruments, and generally to do any and all lawful acts
4 necessary or appropriate to its purposes.

5 **§ 1011.17. Authority of Board**

6 In carrying out this chapter, the Board may—

7 (1) adopt bylaws and regulations necessary for the administration of
8 its functions; and

9 (2) contract for any necessary services.

10 **§ 1011.18. Tax exemptions; contributions toward costs of**
11 **local government; contributions, gifts, or transfers**
12 **to or for use of United States**

13 (a) TAX EXEMPTION.—The National Park Foundation and any income
14 or property received or owned by it, and all transactions relating to that
15 income or property, shall be exempt from all Federal, State, and local tax-
16 ation.

17 (b) CONTRIBUTIONS IN LIEU OF TAXES.—The National Park Founda-
18 tion, in the discretion of its directors, may—

19 (1) contribute toward the costs of local government in amounts not
20 in excess of those which it would be obligated to pay that government
21 if it were not exempt from taxation by virtue of subsection (a) or by
22 virtue of its being a charitable and nonprofit corporation; and

23 (2) agree to contribute with respect to property transferred to it and
24 the income derived from the property if the agreement is a condition
25 of the transfer.

26 (c) TRANSFERS DEEMED TO BE TO OR FOR THE USE OF UNITED
27 STATES.—Contributions, gifts, and other transfers made to or for the use
28 of the Foundation shall be deemed to be contributions, gifts, or transfers
29 to or for the use of the United States.

30 **§ 1011.19. Liability of United States**

31 The United States shall not be liable for any debts, defaults, acts, or
32 omissions of the National Park Foundation.

33 **§ 1011.20. Promotion of local fundraising support**

34 (a) PROGRAM.—The National Park Foundation shall design and imple-
35 ment a comprehensive program to assist and promote philanthropic pro-
36 grams of support at the individual System unit level.

37 (b) IMPLEMENTATION.—The program under subsection (a) shall be im-
38 plemented to—

39 (1) assist in the creation of local nonprofit support organizations;
40 and

1 (2) provide support, national consistency, and management-improv-
2 ing suggestions for local nonprofit support organizations.

3 (c) PROGRAM.—The program under subsection (a)—

4 (1) shall include the greatest number of System units as is prac-
5 ticable; and

6 (2) at a minimum shall include—

7 (A) a standard adaptable organizational design format to estab-
8 lish and sustain responsible management of a local nonprofit sup-
9 port organization for support of a System unit;

10 (B) standard and legally tenable bylaws and recommended
11 money-handling procedures that can easily be adapted as applied
12 to individual System units; and

13 (C) a standard training curriculum to orient and expand the op-
14 erating expertise of personnel employed by local nonprofit support
15 organizations.

16 (d) ANNUAL REPORT.—The National Park Foundation shall report the
17 progress of the program under subsection (a) in the annual report of the
18 Foundation.

19 (e) AFFILIATIONS.—

20 (1) CHARTER OR CORPORATE BYLAWS.—Nothing in this section re-
21 quires—

22 (A) a nonprofit support organization or friends group to modify
23 current practices or to affiliate with the National Park Founda-
24 tion; or

25 (B) a local nonprofit support organization, established as a re-
26 sult of this section, to be bound through its charter or corporate
27 bylaws to be permanently affiliated with the National Park Foun-
28 dation.

29 (2) ESTABLISHMENT.—An affiliation with the National Park Foun-
30 dation shall be established only at the discretion of the governing board
31 of a nonprofit organization.

32 **CHAPTER 1013—EMPLOYEES**

Subchapter I—General Provisions

Sec.

1013.01. Authority of Secretary to carry out certain activities.

1013.02. Medical attention for employees.

1013.03. Personal equipment and property.

1013.04. Travel expenses of System employees and dependents of deceased employees.

1013.05. Uniform allowance.

Subchapter II—Housing Improvement

1013.11. Purposes.

1013.12. Definitions.

1013.13. General authority of Secretary.

1013.14. Criteria for providing housing.

1013.15. Authorization for housing agreements.

1013.16. Housing programs.

- 1013.17. Contracts for the management of field employee quarters.
 1013.18. Leasing of seasonal employee quarters.
 1013.19. General leasing provisions.
 1013.20. Assessment and priority listing.
 1013.21. Use of funds.

1 **Subchapter I—General Provisions**

2 **§ 1013.01. Authority of Secretary to carry out certain activi-**
 3 **ties**

4 To facilitate the administration of the System, the Secretary, under such
 5 terms and conditions as the Secretary may consider advisable, may carry
 6 out the following activities:

7 (1) TRANSPORTATION.—

8 (A) IN GENERAL.—The Secretary may provide transportation of
 9 employees located at an isolated area of the System and to mem-
 10 bers of their families, if—

11 (i) the area is not adequately served by commercial trans-
 12 portation; and

13 (ii) the transportation is incidental to official transpor-
 14 tation services.

15 (B) EMPLOYEES OF CARLSBAD CAVERNS NATIONAL PARK.—

16 (i) IN GENERAL.—The Secretary may provide transpor-
 17 tation to and from work, outside regular working hours, of
 18 employees of Carlsbad Caverns National Park, residing in or
 19 near Carlsbad, New Mexico. The transportation shall be be-
 20 tween the park and the city, or intervening points, at reason-
 21 able rates to be determined by the Secretary, taking into con-
 22 sideration, among other factors, comparable rates charged by
 23 transportation companies in the locality for similar services.

24 (ii) AMOUNTS COLLECTED TO BE CREDITED TO CURRENT
 25 APPROPRIATION.—Amounts collected for the transportation
 26 shall be credited to the appropriation current at the time pay-
 27 ment is received.

28 (iii) WHEN TRANSPORTATION MAY NOT BE OFFERED.—If
 29 adequate transportation facilities are available, or shall be
 30 available by any common carrier, at reasonable rates, the fa-
 31 cilities contemplated by clause (i) shall not be offered.

32 (2) RECREATION FACILITIES, EQUIPMENT, AND SERVICES.—The
 33 Secretary may provide recreation facilities, equipment, and services for
 34 use by employees and their families located at an isolated area of the
 35 System.

36 (3) FIELD AND SPECIAL PURPOSE EQUIPMENT.—The Secretary may
 37 purchase field and special purpose equipment required by employees for

1 the performance of assigned functions. The purchased equipment shall
2 be regarded and listed as System equipment.

3 (4) MEALS AND LODGING.—The Secretary may provide meals and
4 lodging, as the Secretary considers appropriate, for members of the
5 United States Park Police and other employees of the Service, as the
6 Secretary may designate, serving temporarily on extended special duty
7 in System units. For this purpose the Secretary may use funds appro-
8 priated for the expenses of the Department of the Interior.

9 **§ 1013.02. Medical attention for employees**

10 (a) IN GENERAL.—In the administration of the Service, the Secretary
11 may contract for medical attention and service for employees and to make
12 necessary payroll deductions agreed to by the employees for that medical at-
13 tention and service.

14 (b) EMPLOYEES LOCATED AT ISOLATED SITUATIONS.—The Secretary
15 may provide, out of amounts appropriated for the general expense of the
16 System units, medical attention for employees of the Service located at iso-
17 lated situations, including—

18 (1) moving the employees to hospitals or other places where medical
19 assistance is available; and

20 (2) in case of death, to remove the bodies of deceased employees to
21 the nearest place where they can be prepared for shipment or for bur-
22 ial.

23 **§ 1013.03. Personal equipment and property**

24 (a) PURCHASE OF PERSONAL EQUIPMENT AND SUPPLIES.—The Secretary
25 may purchase personal equipment and supplies for employees of the Service
26 and make deductions for the equipment and supplies from amounts appro-
27 priated for salary payments or otherwise due the employees.

28 (b) LOST, DAMAGED, OR DESTROYED PROPERTY.—The Secretary, in the
29 administration of the Service, may reimburse employees and other owners
30 of horses, vehicles, and other equipment lost, damaged, or destroyed while
31 in the custody of the employee or the Department of the Interior, under
32 authorization, contract, or loan, for necessary firefighting, trail, or other of-
33 ficial business. Reimbursement shall be made from any available funds in
34 the appropriation to which the hire of the equipment would be properly
35 chargeable.

36 (c) EQUIPMENT REQUIRED TO BE FURNISHED BY FIELD EMPLOYEES.—
37 The Secretary may—

38 (1) require field employees of the Service to furnish horses, motor
39 and other vehicles, and miscellaneous equipment necessary for the per-
40 formance of their official work; and

(2) provide, at Federal Government expense, forage, care, and housing for animals, and housing or storage and fuel for vehicles and other equipment required to be furnished.

(d) HIRE, RENTAL, AND PURCHASE OF PROPERTY.—The Secretary, under regulations the Secretary may prescribe, may authorize the hire, rental, or purchase of property from employees of the Service whenever it would promote the public interest to do so.

§ 1013.04. Travel expenses of System employees and dependents of deceased employees

In the administration of the System, the Secretary may, under regulations the Secretary may prescribe, pay the travel expenses (including the costs of packing, crating, and transporting (including draying) personal property) of—

- (1) employees, on permanent change of station of the employees; and
- (2) dependents of deceased employees—

(A) to the nearest housing reasonably available that is of a standard not less than that which is vacated, including compensation for not to exceed 60 days rental cost, in the case of an employee who occupied Federal Government housing and whose death requires the housing to be promptly vacated; and

(B) to the nearest port of entry in the conterminous 48 States in the case of an employee whose last permanent station was outside the conterminous 48 States.

§ 1013.05. Uniform allowance

Notwithstanding section 5901(a) of title 5, the uniform allowance for uniformed employees of the Service may be up to \$400 annually.

Subchapter II—Housing Improvement

§ 1013.11. Purposes

The purposes of this subchapter are—

- (1) to develop where necessary an adequate supply of quality housing units for field employees of the Service within a reasonable timeframe;
- (2) to expand the alternatives available for construction and repair of essential Federal Government housing;
- (3) to rely on the private sector to finance or supply housing in carrying out this subchapter, to the maximum extent possible, to reduce the need for Federal appropriations;
- (4) to ensure that adequate funds are available to provide for long-term maintenance needs of field employee housing; and
- (5) to eliminate unnecessary Federal Government housing and locate such housing as is required in a manner so that primary resource values are not impaired.

1 **§ 1013.12. Definitions**

2 In this subchapter:

3 (1) FIELD EMPLOYEE.—The term “field employee” means—

4 (A) an employee of the Service who is exclusively assigned by
5 the Service to perform duties at a field unit, and the members of
6 the employee’s family; and

7 (B) any other individual who is authorized to occupy Federal
8 Government quarters under section 5911 of title 5, and for whom
9 there is no feasible alternative to the provision of Federal Govern-
10 ment housing, and the members of the individual’s family.

11 (2) PRIMARY RESOURCE VALUES.—The term “primary resource val-
12 ues” means resources that are specifically mentioned in the enabling
13 legislation for that field unit or other resource value recognized under
14 Federal statute.

15 (3) QUARTERS.—The term “quarters” means quarters owned or
16 leased by the Federal Government.

17 (4) SEASONAL QUARTERS.—The term “seasonal quarters” means
18 quarters typically occupied by field employees who are hired on assign-
19 ments of 6 months or less.

20 **§ 1013.13. General authority of Secretary**

21 (a) RENTAL HOUSING.—To enhance the ability of the Secretary to effec-
22 tively manage System units, the Secretary may where necessary and justi-
23 fied—

24 (1) make available employee housing, on or off land under the ad-
25 ministrative jurisdiction of the Service; and

26 (2) rent that housing to field employees at rates based on the reason-
27 able value of the housing in accordance with requirements applicable
28 under section 5911 of title 5.

29 (b) JOINT DEVELOPMENT AUTHORITY.—The Secretary may use authori-
30 ties granted by statute in combination with one another in the furtherance
31 of providing where necessary and justified affordable field employee housing.

32 (c) CONSTRUCTION LIMITATIONS ON FEDERAL LAND.—The Secretary
33 may not utilize any land for the purposes of providing field employee hous-
34 ing under this subchapter that will affect a primary resource value of the
35 area or adversely affect the mission of the Service.

36 (d) RENTAL RATES.—To the extent practicable, the Secretary shall estab-
37 lish rental rates for all quarters occupied by field employees of the Service
38 that are based on the reasonable value of the quarters in accordance with
39 requirements applicable under section 5911 of title 5.

1 **§ 1013.14. Criteria for providing housing**

2 The Secretary shall maintain criteria under which housing is provided to
3 employees of the Service. The Secretary shall examine the criteria with re-
4 spect the circumstances under which the Service requires an employee to oc-
5 cupy Federal Government quarters, so as to provide necessary services or
6 protect Federal Government property or because of a lack of availability of
7 non-Federal housing in a geographic area.

8 **§ 1013.15. Authorization for housing agreements**

9 The Secretary may, pursuant to the authorities contained in this sub-
10 chapter and subject to the appropriation of necessary funds in advance,
11 enter into housing agreements with housing entities under which the hous-
12 ing entities may develop, construct, rehabilitate, or manage housing, located
13 on or off public land, for rent to Service employees who meet the housing
14 eligibility criteria developed by the Secretary pursuant to this subchapter.

15 **§ 1013.16. Housing programs**

16 (a) JOINT PUBLIC-PRIVATE SECTOR HOUSING PROGRAM.—

17 (1) LEASE-TO-BUILD PROGRAM.—Subject to the appropriation of
18 necessary funds in advance, the Secretary may lease—

19 (A) Federal land and interests in land to qualified persons for
20 the construction of field employee quarters for any period not to
21 exceed 50 years; and

22 (B) developed and undeveloped non-Federal land for providing
23 field employee quarters.

24 (2) COMPETITIVE LEASING.—Each lease under paragraph (1)(A)
25 shall be awarded through the use of publicly advertised, competitively
26 bid, or competitively negotiated contracting procedures.

27 (3) TERMS AND CONDITIONS.—Each lease under paragraph (1)(A)—

28 (A) shall stipulate whether operation and maintenance of field
29 employee quarters is to be provided by the lessee, field employees,
30 or the Federal Government;

31 (B) shall require that the construction and rehabilitation of field
32 employee quarters be done in accordance with the requirements of
33 the Service and local applicable building codes and industry stand-
34 ards;

35 (C) shall contain additional terms and conditions as may be ap-
36 propriate to protect the Federal interest, including limits on rents
37 that the lessee may charge field employees for the occupancy of
38 quarters, conditions on maintenance and repairs, and agreements
39 on the provision of charges for utilities and other infrastructure;
40 and

1 (D) may be granted at less than fair market value if the Sec-
 2 retary determines that the lease will improve the quality and avail-
 3 ability of field employee quarters.

4 (4) CONTRIBUTIONS BY FEDERAL GOVERNMENT.—The Secretary
 5 may make payments, subject to appropriations, or contributions in
 6 kind, in advance or on a continuing basis, to reduce the costs of plan-
 7 ning, construction, or rehabilitation of quarters on or off Federal land
 8 under a lease under this subsection.

9 (b) RENTAL GUARANTEE PROGRAM.—

10 (1) GENERAL AUTHORITY.—Subject to the appropriation of nec-
 11 essary funds in advance, the Secretary may enter into a lease-to-build
 12 arrangement as set forth in subsection (a) with further agreement to
 13 guarantee the occupancy of field employee quarters constructed or re-
 14 habilitated under the lease. A guarantee made under this paragraph
 15 shall be in writing.

16 (2) LIMITATIONS ON GUARANTEES.—

17 (A) SPECIFIC GUARANTEES.—The Secretary may not guar-
 18 antee—

19 (i) the occupancy of more than 75 percent of the units con-
 20 structed or rehabilitated under the lease; and

21 (ii) at a rental rate that exceeds the rate based on the rea-
 22 sonable value of the housing in accordance with requirements
 23 applicable under section 5911 of title 5.

24 (B) TOTAL OF OUTSTANDING GUARANTEES.—Outstanding
 25 guarantees shall not be in excess of \$3,000,000.

26 (3) AGREEMENT TO RENT TO FEDERAL GOVERNMENT EMPLOY-
 27 EES.—A guarantee may be made under this subsection only if the les-
 28 see agrees to permit the Secretary to utilize for housing purposes any
 29 units for which the guarantee is made.

30 (4) OPERATION AND MAINTENANCE.—A lease shall be void if the les-
 31 see fails to maintain a satisfactory level of operation and maintenance.

32 **§ 1013.17. Contracts for the management of field employee**
 33 **quarters**

34 Subject to the appropriation of necessary funds in advance, the Secretary
 35 may enter into contracts of any duration for the management, repair, and
 36 maintenance of field employee quarters. The contract shall contain terms
 37 and conditions that the Secretary considers necessary or appropriate to pro-
 38 tect the interests of the United States and ensure that necessary quarters
 39 are available to field employees.

1 **§ 1013.18. Leasing of seasonal employee quarters**

2 (a) GENERAL AUTHORITY.—The Secretary may lease quarters at or near
3 a System unit for use as seasonal quarters for field employees if the Sec-
4 retary finds that there is a shortage of adequate and affordable seasonal
5 quarters at or near the System unit and that—

6 (1) the requirement for the seasonal field employee quarters is tem-
7 porary; or

8 (2) leasing would be more cost-effective than construction of new
9 seasonal field employee quarters.

10 (b) RENT.—The rent charged to field employees under the lease shall be
11 a rate based on the reasonable value of the quarters in accordance with re-
12 quirements applicable under section 5911 of title 5.

13 (c) UNRECOVERED COSTS.—The Secretary may pay the unrecovered
14 costs of leasing seasonal quarters under this section from annual appropria-
15 tions for the year in which the lease is made.

16 **§ 1013.19. General leasing provisions**

17 (a) EXEMPTION FROM LEASING REQUIREMENTS.—Section 1033.01 of
18 this title and section 1302 of title 40 shall not apply to leases issued by
19 the Secretary under this section.

20 (b) PROCEEDS FROM LEASES.—The proceeds from any lease under sec-
21 tion 1013.16(a)(1) of this title and any lease under section 1013.18 of this
22 title shall be retained by the Service and deposited in the special fund estab-
23 lished for maintenance and operation of quarters.

24 **§ 1013.20. Assessment and priority listing**

25 The Secretary shall—

26 (1) complete a condition assessment for all field employee housing,
27 including the physical condition of the housing and the necessity and
28 suitability of the housing for carrying out the mission of the Service,
29 using existing information; and

30 (2) develop a Service-wide priority listing, by structure, identifying
31 the units in greatest need for repair, rehabilitation, replacement, or ini-
32 tial construction.

33 **§ 1013.21. Use of funds**

34 (a) EXPENDITURE SHALL FOLLOW PRIORITY LISTING.—Expenditure of
35 any funds authorized and appropriated for new construction, repair, or re-
36 habilitation of housing under this chapter shall follow the housing priority
37 listing established by the Secretary under section 1013.20 of this title, in
38 sequential order, to the maximum extent practicable.

39 (b) NONCONSTRUCTION FUNDS IN ANNUAL BUDGET SUBMITTAL.—The
40 President's proposed budget to Congress shall include identification of non-

1 construction funds to be spent for Service housing maintenance and oper-
 2 ations that are in addition to rental receipts collected.

3 **CHAPTER 1015—TRANSPORTATION**

Subchapter I—Airports

Sec.

1015.01. Airports in or near System units.

Subchapter II—Roads and Trails

1015.11. Roads and trails.

Subchapter III—Public Transportation Programs for System Units

1015.21. Findings and purpose.

1015.22. Transportation service and facility programs.

1015.23. Transportation projects.

1015.24. Procedures applicable to transportation plans and projects.

Subchapter IV—Fees

1015.31. Fee for use of transportation services.

4 **Subchapter I—Airports**

5 **§ 1015.01. Airports in or near System units**

6 (a) DEFINITIONS.—In this section, the terms “airport”, “project”,
 7 “project costs”, “public agency”, and “sponsor” have the meanings given
 8 the terms in subchapter I of chapter 471 of title 49.

9 (b) ACQUISITION, OPERATION, AND MAINTENANCE OF AIRPORTS.—

10 (1) AUTHORIZATION.—The Secretary may plan, acquire, establish,
 11 construct, enlarge, improve, maintain, equip, operate, regulate, and
 12 protect airports in the continental United States in, or in close prox-
 13 imity to, System units, when the Secretary determines that the airports
 14 are necessary to the proper performance of the functions of the Depart-
 15 ment of the Interior.

16 (2) INCLUSION IN NATIONAL PLAN.—The Secretary shall not ac-
 17 quire, establish, or construct an airport under this section unless the
 18 airport is included in the national plan of integrated airport systems
 19 formulated by the Secretary of Transportation pursuant to section
 20 47103 of title 49.

21 (3) OPERATION AND MAINTENANCE MUST ACCORD WITH STANDARDS
 22 AND REGULATIONS OF SECRETARY OF TRANSPORTATION.—The oper-
 23 ation and maintenance of airports under this section shall be in accord-
 24 ance with the standards and regulations prescribed by the Secretary of
 25 Transportation.

26 (c) AUTHORITY OF SECRETARY.—

27 (1) IN GENERAL.—To carry out this section, the Secretary may—

28 (A) acquire necessary land and interests in or over land;

29 (B) contract for the construction, improvement, operation, and
 30 maintenance of airports and incidental facilities;

31 (C) enter into agreements with other public agencies providing
 32 for the construction, operation, or maintenance of airports by

1 (B) 30 miles in length if the approach road is on the National
2 Highway System.

3 (3) COUNTY LIMIT.—Not to exceed 40 miles of any one approach
4 road shall be designated in any one county.

5 (e) CONSTRUCTION AND IMPROVEMENT OF ROADS AND TRAILS WITHIN
6 SYSTEM UNITS.—

7 (1) AUTHORITY OF SECRETARY.—

8 (A) IN GENERAL.—The Secretary may construct, reconstruct,
9 and improve roads and trails within System units.

10 (B) AUTHORITY NOT LIMITED.—This subsection and sub-
11 sections (a), (b), and (d) do not limit the authority of the Sec-
12 retary to construct, reconstruct, improve, and maintain roads and
13 trails within System units.

14 (2) SECRETARY OF COMMERCE.—Under agreement with the Sec-
15 retary, the Secretary of Commerce may carry out any provision of this
16 subsection.

17 (3) ALLOCATION.—Not to be exceed \$1,500,000 shall be allocated
18 annually for the construction, reconstruction, and improvement of Sys-
19 tem unit approach roads.

20 (d) APPROVAL OF SECRETARY OF AGRICULTURE REQUIRED.—When an
21 approach road is proposed across or within any national forest, the Sec-
22 retary shall secure the approval of the Secretary of Agriculture before con-
23 struction begins.

24 (e) CONVEYANCE TO STATES OF ROADS LEADING TO CERTAIN HISTOR-
25 ICAL AREAS.—

26 (1) DEFINITION.—In this subsection, the term “State” includes
27 Puerto Rico, Guam, and the Virgin Islands.

28 (2) AUTHORITY OF SECRETARY.—The Secretary may, subject to con-
29 ditions as may seem proper to the Secretary, convey by proper quit-
30 claim deed to any State, county, municipality, or proper agency of a
31 State, county, or municipality, in which the road is located, all the
32 right, title, and interest of the United States in and to any Federal
33 Government owned or controlled road leading to any national cemetery,
34 national military park, national historical park, national battlefield
35 park, or national historic site administered by the Service.

36 (3) NOTIFICATION BY STATE, AGENCY, OR MUNICIPALITY.—Prior to
37 the delivery of any conveyance under this section, the State, county,
38 or municipality to which the conveyance is to be made shall notify the
39 Secretary in writing of its willingness to accept and maintain the roads
40 included in the conveyance.

(4) TRANSFER OF JURISDICTION.—On the execution and delivery of the conveyance, any jurisdiction previously ceded to the United States by a State over the roads conveyed shall cease and determine and shall vest and be in the particular State in which the roads are located.

Subchapter III—Public Transportation Programs for System Units

§ 1015.21. Findings and purpose

(a) 1978 FINDINGS.—Congress finds that—

(1) the purpose of the System is to preserve outstanding natural, scenic, historic, and recreation areas for the enjoyment, education, inspiration, and use of all people;

(2) System units have been established near major metropolitan areas to preserve remaining open space and to provide recreational opportunities for urban residents (many of whom do not have access to personal motor vehicles); and

(3) circumstances that necessarily require people desiring to visit System units to rely on personal motor vehicles may diminish the natural and recreational value of the System units by causing traffic congestion and environmental damage, and by requiring the provision of roads, parking, and other facilities in ever-increasing numbers and density.

(b) PURPOSE.—The purpose of this subchapter is to make the System more accessible in a manner consistent with the preservation of System units and the conservation of energy by encouraging the use of transportation modes other than personal motor vehicles for access to and within System units with minimum disruption to nearby communities through authorization of a pilot transportation program.

§ 1015.22. Transportation service and facility programs

(a) FORMULATION OF PLANS AND IMPLEMENTATION OF PROJECTS.—The Secretary may formulate transportation plans and implement transportation projects where feasible pursuant to those plans for System units.

(b) CONTRACTS, OPERATIONS, AND ACQUISITIONS FOR IMPROVEMENT OF ACCESS TO SYSTEM UNITS.—

(1) AUTHORITY OF SECRETARY.—To carry out subsection (a), the Secretary may—

(A) contract with public or private agencies or carriers to provide transportation services, capital equipment, or facilities to improve access to System units;

(B) operate those services directly in the absence of suitable and adequate agencies or carriers;

1 (C) acquire, by purchase, lease, or agreement, capital equipment
2 for those services; and

3 (D) where necessary to carry out this subchapter, acquire, by
4 lease, purchase, donation, exchange, or transfer, land, water, or an
5 interest in land or water that is situated outside the boundary of
6 a System unit.

7 (2) SPECIFIC PROVISIONS RELATED TO PROPERTY ACQUISITION.—

8 (A) ADMINISTRATION.—The acquired property shall be adminis-
9 tered as part of the System unit.

10 (B) ACQUISITION OF LAND OR INTERESTS IN LAND OWNED BY
11 STATE OR POLITICAL SUBDIVISION.—Any land or interests in land
12 owned by a State or any of its political subdivisions may be ac-
13 quired only by donation.

14 (C) ACQUISITION SUBJECT TO STATUTORY LIMITATIONS.—Any
15 land acquisition shall be subject to any statutory limitations on
16 methods of acquisition and appropriations as may be specifically
17 applicable to the area.

18 (c) APPROPRIATION OF FEES COLLECTED AND DEPOSITED IN PLAN-
19 NING, DEVELOPMENT, AND OPERATION OF RECREATIONAL FACILITIES AP-
20 PROPRIATION ACCOUNT.—All fees directly collected by the Service in the op-
21 eration of the facilities and services authorized by this subchapter shall be
22 deposited into the Planning, Development, and Operation of Recreation Fa-
23 cilities appropriation account to be subject to appropriation.

24 (d) ESTABLISHMENT OF INFORMATION PROGRAMS.—The Secretary shall
25 establish information programs to inform the public of available System unit
26 access opportunities and to promote the use of transportation modes other
27 than personal motor vehicles for access to and travel within the System
28 units.

29 (e) UNDERTAKING TRANSPORTATION FACILITIES AND SERVICES.—
30 Transportation facilities and services provided pursuant to this subchapter
31 may be undertaken by the Secretary directly or by contract without regard
32 to any requirement of Federal, State, or local law respecting determinations
33 of public convenience and necessity or other similar matters. The Secretary
34 or contractor shall consult with the appropriate State or local public service
35 commission or other body having authority to issue certificates of conven-
36 ience and necessity. A contractor shall be subject to applicable requirements
37 of that body unless the Secretary determines that the requirements would
38 not be consistent with the purposes and provisions of this subchapter.

39 (f) CONSTRUCTION OF GRANT OF AUTHORITY RESPECTING OPERATION
40 OF MOTOR VEHICLES EXCEPTED FROM STATUTORY COVERAGE.—No grant

1 of authority in this subchapter shall be deemed to expand the exemption of
2 section 13506(a)(9) of title 49.

3 **§ 1015.23. Transportation projects**

4 (a) ASSISTANCE OF HEADS OF OTHER FEDERAL DEPARTMENTS AND
5 AGENCIES IN FORMULATION AND IMPLEMENTATION.—To carry out this
6 subchapter, the Secretary of Transportation, the Secretary of Housing and
7 Urban Development, the Secretary of Health and Human Services, the Sec-
8 retary of Commerce, and the heads of other Federal departments or agen-
9 cies that the Secretary considers necessary shall assist the Secretary in the
10 formulation and implementation of transportation projects.

11 (b) COMPILATION OF STATUTES AND PROGRAMS.—The Secretary shall
12 maintain a compilation of Federal statutes and programs providing author-
13 ity for the planning, funding, or operation of transportation projects that
14 might be utilized by the Secretary to carry out this subchapter.

15 **§ 1015.24. Procedures applicable to transportation plans and**
16 **projects**

17 (a) DURING FORMULATION OF PLAN.—The Secretary shall, during the
18 formulation of any transportation plan authorized pursuant to section
19 1015.22 of this title—

20 (1) give public notice of intention to formulate the plan by publica-
21 tion in the Federal Register and in a newspaper or periodical having
22 general circulation in the vicinity of the affected System unit; and

23 (2) following the notice, hold a public meeting at a location conven-
24 ient to the affected System unit.

25 (b) PRIOR TO IMPLEMENTATION OF PROJECT.—Prior to the implementa-
26 tion of any project developed pursuant to the transportation plan formulated
27 pursuant to subsection (a), the Secretary shall—

28 (1) establish procedures, including public meetings, to give State and
29 local governments and the public adequate notice and an opportunity
30 to comment on the proposed transportation project; and

31 (2) when the proposed project would involve an expenditure in excess
32 of \$100,000 in any fiscal year, submit a detailed report to the Com-
33 mittee on Energy and Natural Resources of the Senate and the Com-
34 mittee on Natural Resources of the House of Representatives.

35 (c) WAITING PERIOD.—When a report on a project is required under sub-
36 section (b)(2), the Secretary may proceed with the implementation of the
37 project only after 60 days (not counting days on which the Senate or House
38 of Representatives has adjourned for more than 3 consecutive days) have
39 elapsed following submission of the report.

Subchapter IV—Fees

§ 1015.31. Fee for use of transportation services

Notwithstanding any other provision of law, where the Service or an entity under a service contract, cooperative agreement, or other contractual agreement with the Service provides transportation to all or a portion of any System unit, the Secretary may impose a reasonable and appropriate charge to the public for the use of the transportation services in addition to any admission fee required to be paid. Collection of the transportation and admission fees may occur at the transportation staging area or any other reasonably convenient location determined by the Secretary. The Secretary may enter into agreements, with public or private entities that qualify to the Secretary's satisfaction, to collect the transportation and admission fee. Transportation fees collected pursuant to this section shall be retained by the System unit at which the transportation fee was collected, and the amount retained shall be expended only for costs associated with the transportation systems at the System unit where the charge was imposed.

CHAPTER 1017—FINANCIAL AGREEMENTS

Sec.

1017.01. Challenge cost-share agreement authority.

1017.02. Cooperative agreements.

1017.03. Reimbursable agreements.

§ 1017.01. Challenge cost-share agreement authority

(a) DEFINITIONS.—In this section:

(1) CHALLENGE COST-SHARE AGREEMENT.—The term “challenge cost-share agreement” means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary with respect to any System unit or System program, any affiliated area, or any designated national scenic trail or national historic trail.

(2) COOPERATOR.—The term “cooperator” means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(b) AUTHORITY TO ENTER INTO CHALLENGE COST-SHARE AGREEMENTS.—The Secretary may negotiate and enter into challenge cost-share agreements with cooperators.

(c) SOURCE OF FEDERAL SHARE.—In carrying out challenge cost-share agreements, the Secretary may provide the Federal funding share from any funds available to the Service.

§ 1017.02. Cooperative agreements

(a) TRANSFER OF SERVICE APPROPRIATED FUNDS.—The Secretary may enter into cooperative agreements that involve the transfer of Service appro-

1 priated funds to State, local, and tribal governments, other public entities,
 2 educational institutions, and private nonprofit organizations pursuant to
 3 section 6305 of title 31 to carry out public purposes of Service programs.

4 (b) COOPERATIVE RESEARCH AND TRAINING PROGRAMS.—

5 (1) IN GENERAL.—To facilitate the administration of the System,
 6 the Secretary, under such terms and conditions as the Secretary may
 7 consider advisable, may—

8 (A) enter into cooperative agreements with public or private
 9 educational institutions, States, and political subdivisions of States
 10 to develop adequate, coordinated, cooperative research and train-
 11 ing programs concerning the resources of the System; and

12 (B) pursuant to an agreement, accept from and make available
 13 to the cooperator technical and support staff, financial assistance
 14 for mutually agreed upon research projects, supplies and equip-
 15 ment, facilities, and administrative services relating to cooperative
 16 research units that the Secretary considers appropriate.

17 (2) EFFECT OF SUBSECTION.—This subsection does not waive any
 18 requirements for research projects that are subject to Federal procure-
 19 ment regulations.

20 (c) COOPERATIVE MANAGEMENT AGREEMENTS.—

21 (1) IN GENERAL.—To facilitate the administration of the System,
 22 the Secretary, under such terms and conditions as the Secretary con-
 23 siders advisable, may enter into an agreement with a State or local gov-
 24 ernment agency to provide for the cooperative management of the Fed-
 25 eral and State or local park areas where a System unit is located adja-
 26 cent to or near a State or local park area, and cooperative management
 27 between the Service and a State or local government agency of a por-
 28 tion of either the System unit or State or local park will allow for more
 29 effective and efficient management of the System unit and State or
 30 local park. The Secretary may not transfer administration responsibil-
 31 ities for any System unit under this paragraph.

32 (2) PROVISION OF GOODS AND SERVICES.—Under a cooperative
 33 management agreement, the Secretary may acquire from and provide
 34 to a State or local government agency goods and services to be used
 35 by the Secretary and the State or local governmental agency in the co-
 36 operative management of land.

37 (3) ASSIGNMENT OF EMPLOYEE.—An assignment arranged by the
 38 Secretary under section 3372 of title 5 of a Federal, State, or local em-
 39 ployee for work on any Federal, State, or local land or an extension
 40 of the assignment may be for any period of time determined by the
 41 Secretary and the State or local agency to be mutually beneficial.

1 (d) COOPERATIVE AGREEMENTS FOR SYSTEM UNIT NATURAL RESOURCE
2 PROTECTION.—

3 (1) IN GENERAL.—The Secretary may enter into cooperative agree-
4 ments with State, local, or tribal governments, other Federal agencies,
5 other public entities, educational institutions, private nonprofit organi-
6 zations, or participating private landowners for the purpose of pro-
7 tecting natural resources of System units through collaborative efforts
8 on land inside and outside the System units.

9 (2) TERMS AND CONDITIONS.—A cooperative agreement entered into
10 under paragraph (1) shall provide clear and direct benefits to System
11 unit natural resources and—

12 (A) provide for—

13 (i) the preservation, conservation, and restoration of coastal
14 and riparian systems, watersheds, and wetlands;

15 (ii) preventing, controlling, or eradicating invasive exotic
16 species that are within a System unit or adjacent to a System
17 unit; or

18 (iii) restoration of natural resources, including native wild-
19 life habitat or ecosystems;

20 (B) include a statement of purpose demonstrating how the
21 agreement will—

22 (i) enhance science-based natural resource stewardship at
23 the System unit; and

24 (ii) benefit the parties to the agreement;

25 (C) specify any staff required and technical assistance to be pro-
26 vided by the Secretary or other parties to the agreement in sup-
27 port of activities inside and outside the System unit that will—

28 (i) protect natural resources of the System unit; and

29 (ii) benefit the parties to the agreement;

30 (D) identify any materials, supplies, or equipment and any other
31 resources that will be contributed by the parties to the agreement
32 or by other Federal agencies;

33 (E) describe any financial assistance to be provided by the Sec-
34 retary or the partners to implement the agreement;

35 (F) ensure that any expenditure by the Secretary pursuant to
36 the agreement is determined by the Secretary to support the pur-
37 poses of natural resource stewardship at a System unit; and

38 (G) include such other terms and conditions as are agreed to
39 by the Secretary and the other parties to the agreement.

40 (3) LIMITATIONS.—The Secretary shall not use any funds associated
41 with an agreement entered into under paragraph (1) for the purposes

1 of land acquisition, regulatory activity, or the development, mainte-
 2 nance, or operation of infrastructure, except for ancillary support facili-
 3 ties that the Secretary determines to be necessary for the completion
 4 of projects or activities identified in the agreement.

5 (4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to
 6 be appropriated such sums as are necessary to carry out this sub-
 7 section.

8 **§ 1017.03. Reimbursable agreements**

9 (a) IN GENERAL.—In carrying out work under reimbursable agreements
 10 with any State, local, or tribal government, the Secretary, without regard
 11 to any provision of law or a regulation—

12 (1) may record obligations against accounts receivable from those
 13 governments; and

14 (2) shall credit amounts received from those governments to the ap-
 15 propriate account.

16 (b) WHEN AMOUNTS SHALL BE CREDITED.—Amounts shall be credited
 17 within 90 days of the date of the original request by the Service for pay-
 18 ment.

19 **CHAPTER 1019—CONCESSIONS**

Subchapter I—Authority of Secretary

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1019.01. Authority of Secretary to carry out certain activities.

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20 **Subchapter I—Authority of Secretary**

21 **§ 1019.01. Authority of Secretary to carry out certain activi-**
 22 **ties**

23 To facilitate the administration of the System, the Secretary, under such
 24 terms and conditions as the Secretary considers advisable, may carry out
 25 the following activities:

26 (1) SALE OF PRODUCTS AND SERVICES PRODUCED IN THE CONDUCT
 27 OF LIVING EXHIBITS AND INTERPRETATIVE DEMONSTRATIONS.—

1 (A) IN GENERAL.—The Secretary may—

2 (i) sell at fair market value, without regard to the require-
3 ments of chapters 1 to 11 of title 40 and division C (except
4 sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and
5 4711) of subtitle I of title 41, products and services produced
6 in the conduct of living exhibits and interpretive demonstra-
7 tions in System units;

8 (ii) enter into contracts (including cooperative arrange-
9 ments) with respect to those living exhibits and interpretive
10 demonstrations; and

11 (iii) subject to subparagraph (B), credit the proceeds from
12 those sales and contracts to the appropriation bearing the
13 cost of the exhibits and demonstrations.

14 (B) GLACIER BAY NATIONAL PARK.—

15 (i) DEFINITIONS.—In this subparagraph—

16 (I) CERTAIN PERMITTEE.—The term “certain per-
17 mittee” means a permittee that provides overnight ac-
18 commodations for at least 500 passengers for an
19 itinerary of at least 3 nights.

20 (II) PERMITTEE.—The term “permittee” means a
21 concessionaire providing visitor services within Glacier
22 Bay.

23 (ii) LIMITATION ON USE OF FEES.—Sixty percent of the
24 fees paid by permittees for the privilege of entering into Gla-
25 cier Bay shall be deposited in a special account and shall be
26 available—

27 (I) to the extent determined to be necessary, to ac-
28 quire and pre-position necessary and adequate emergency
29 response equipment to prevent harm or the threat of
30 harm to aquatic park resources from permittees; and

31 (II) to conduct investigations to quantify any effect of
32 permittees’ activity on wildlife and other natural resource
33 values of Glacier Bay National Park.

34 (iii) PURPOSE OF INVESTIGATIONS.—The investigations
35 provided for in this subparagraph shall be designed to provide
36 information of value to the Secretary in determining any ap-
37 propriate limitations on permittees’ activity in Glacier Bay.

38 (iv) NO ADDITIONAL CONDITIONS TO BE IMPOSED.—The
39 Secretary may not impose any additional permittee operating
40 conditions in the areas of air, water, and oil pollution beyond
41 those determined and enforced by other appropriate agencies.

1 (v) ACCOUNTING FOR IMPACT OF PERMITTEES ON PARK
 2 VALUES AND RESOURCES.—When competitively awarding per-
 3 mits to enter Glacier Bay, the Secretary may take into ac-
 4 count the relative impact particular permittees will have on
 5 park values and resources, provided that no operating condi-
 6 tions or limitations relating to noise abatement shall be im-
 7 posed unless the Secretary determines, based on the weight
 8 of the evidence from all available studies including verifiable
 9 scientific information from the investigations provided for in
 10 this paragraph, that the limitations or conditions are nec-
 11 essary to protect park values and resources.

12 (vi) LIMIT ON AMOUNT OF FEE.—Fees paid by certain per-
 13 mittees for the privilege of entering into Glacier Bay shall not
 14 exceed \$5 per passenger.

15 (vii) ADDITIONAL CATEGORIES OF PERMITS OR NUMBER OF
 16 PERMITS NOT AUTHORIZED.—This subparagraph does not au-
 17 thorize the Secretary to require additional categories of per-
 18 mits in, or otherwise increase the number of permits to enter,
 19 Glacier Bay National Park.

20 (2) UTILITY SERVICES FOR CONCESSIONERS.—The Secretary may
 21 furnish, on a reimbursement of appropriation basis, all types of utility
 22 services to concessioners, contractors, permittees, or other users of the
 23 services, within the System. The reimbursements for cost of the serv-
 24 ices may be credited to the appropriation current at the time reim-
 25 bursements are received.

26 **Subchapter II—Concession Management**

27 **§ 1019.11. Definitions**

28 In this subchapter:

29 (1) ADVISORY BOARD.—The term “Advisory Board” means the Na-
 30 tional Park Service Concessions Management Advisory Board estab-
 31 lished under section 1019.19 of this title.

32 (2) PREFERENTIAL RIGHT OF RENEWAL.—The term “preferential
 33 right of renewal” means the right of a concessioner, subject to a deter-
 34 mination by the Secretary that the facilities or services authorized by
 35 a prior contract continue to be necessary and appropriate within the
 36 meaning of section 1019.12 of this title, to match the terms and condi-
 37 tions of any competing proposal that the Secretary determines to be
 38 the best proposal for a proposed new concession contract that author-
 39 izes the continuation of the facilities and services provided by the con-
 40 cessioner under its prior contract.

1 **§ 1019.12. Findings and declaration of policy**

2 (a) FINDINGS.—In furtherance of section 1003.01(b), Congress finds that
3 the preservation and conservation of System unit resources and values re-
4 quires that public accommodations, facilities, and services that have to be
5 provided within those System units should be provided only under carefully
6 controlled safeguards against unregulated and indiscriminate use, so that—

7 (1) visitation will not unduly impair those resources and values; and

8 (2) development of public accommodations, facilities, and services
9 within System units can best be limited to locations that are consistent
10 to the highest practicable degree with the preservation and conservation
11 of the resources and values of the System units.

12 (b) DECLARATION OF POLICY.—It is the policy of Congress that the de-
13 velopment of public accommodations, facilities, and services in System units
14 shall be limited to accommodations, facilities, and services that—

15 (1) are necessary and appropriate for public use and enjoyment of
16 the System unit in which they are located; and

17 (2) are consistent to the highest practicable degree with the preser-
18 vation and conservation of the resources and values of the System unit.

19 **§ 1019.13. Award of concession contracts**

20 In furtherance of the findings and policy stated in section 1019.12 of this
21 title, and except as provided by this subchapter or otherwise authorized by
22 law, the Secretary shall utilize concession contracts to authorize a person,
23 corporation, or other entity to provide accommodations, facilities, and serv-
24 ices to visitors to System units. Concession contracts shall be awarded as
25 follows:

26 (1) COMPETITIVE SELECTION PROCESS.—Except as otherwise pro-
27 vided in this section, all proposed concession contracts shall be awarded
28 by the Secretary to the person, corporation, or other entity submitting
29 the best proposal, as determined by the Secretary through a competi-
30 tive selection process. The competitive process shall include simplified
31 procedures for small, individually-owned concession contractors.

32 (2) SOLICITATION OF PROPOSALS.—Except as otherwise provided in
33 this section, prior to awarding a new concession contract (including re-
34 newals or extensions of existing concession contracts) the Secretary—

35 (A) shall publicly solicit proposals for the concession contract;

36 and

37 (B) in connection with the solicitation, shall—

38 (i) prepare a prospectus and publish notice of its avail-
39 ability at least once in local or national newspapers or trade
40 publications, by electronic means, or both, as appropriate; and

1 (ii) make the prospectus available on request to all inter-
 2 ested persons.

3 (3) INFORMATION TO BE INCLUDED IN PROSPECTUS.—The pro-
 4 spectus shall include the following information:

5 (A) The minimum requirements for the contract as set forth in
 6 paragraph (4).

7 (B) The terms and conditions of any existing concession con-
 8 tract relating to the services and facilities to be provided, including
 9 all fees and other forms of compensation provided to the United
 10 States by the concessioner.

11 (C) Other authorized facilities or services that may be provided
 12 in a proposal.

13 (D) Facilities and services to be provided by the Secretary to
 14 the concessioner, including public access, utilities, and buildings.

15 (E) An estimate of the amount of compensation due an existing
 16 concessioner from a new concessioner under the terms of a prior
 17 concession contract.

18 (F) A statement as to the weight to be given to each selection
 19 factor identified in the prospectus and the relative importance of
 20 those factors in the selection process.

21 (G) Other information related to the proposed concession oper-
 22 ation that is provided to the Secretary pursuant to a concession
 23 contract or is otherwise available to the Secretary, as the Sec-
 24 retary determines is necessary to allow for the submission of com-
 25 petitive proposals.

26 (H) Where applicable, a description of a preferential right to
 27 the renewal of the proposed concession contract held by an exist-
 28 ing concessioner as set forth in paragraph (7).

29 (4) CONSIDERATION OF PROPOSALS.—

30 (A) MINIMUM REQUIREMENTS.—No proposal shall be consid-
 31 ered that fails to meet the minimum requirements as determined
 32 by the Secretary. The minimum requirements shall include the fol-
 33 lowing:

34 (i) The minimum acceptable franchise fee or other forms
 35 of consideration to the Federal Government.

36 (ii) Any facilities, services, or capital investment required
 37 to be provided by the concessioner.

38 (iii) Measures necessary to ensure the protection, conserva-
 39 tion, and preservation of resources of the System unit.

1 (B) REJECTION OF PROPOSAL.—The Secretary shall reject any
 2 proposal, regardless of the franchise fee offered, if the Secretary
 3 determines that—

4 (i) the person, corporation, or entity is not qualified or is
 5 not likely to provide satisfactory service; or

6 (ii) the proposal is not responsive to the objectives of pro-
 7 tecting and preserving resources of the System unit and of
 8 providing necessary and appropriate facilities and services to
 9 the public at reasonable rates.

10 (C) ALL PROPOSALS FAIL TO MEET MINIMUM REQUIREMENTS
 11 OR ARE REJECTED.—If all proposals submitted to the Secretary
 12 fail to meet the minimum requirements or are rejected by the Sec-
 13 retary, the Secretary shall establish new minimum contract re-
 14 quirements and re-initiate the competitive selection process pursu-
 15 ant to this section.

16 (D) TERMS AND CONDITIONS MATERIALLY AMENDED OR NOT
 17 INCORPORATED IN CONTRACT.—The Secretary may not execute a
 18 concession contract that materially amends or does not incorporate
 19 the proposed terms and conditions of the concession contract as
 20 set forth in the applicable prospectus. If proposed material amend-
 21 ments or changes are considered appropriate by the Secretary, the
 22 Secretary shall resolicit offers for the concession contract incor-
 23 porating the material amendments or changes.

24 (5) SELECTION OF THE BEST PROPOSAL.—

25 (A) FACTORS IN SELECTION.—In selecting the best proposal,
 26 the Secretary shall consider the following principal factors:

27 (i) The responsiveness of the proposal to the objectives of
 28 protecting, conserving, and preserving resources of the Sys-
 29 tem unit and of providing necessary and appropriate facilities
 30 and services to the public at reasonable rates.

31 (ii) The experience and related background of the person,
 32 corporation, or entity submitting the proposal, including the
 33 past performance and expertise of the person, corporation or
 34 entity in providing the same or similar facilities or services.

35 (iii) The financial capability of the person, corporation, or
 36 entity submitting the proposal.

37 (iv) The proposed franchise fee, except that consideration
 38 of revenue to the United States shall be subordinate to the
 39 objectives of protecting, conserving, and preserving resources
 40 of the System unit and of providing necessary and appro-
 41 priate facilities to the public at reasonable rates.

1 (B) SECONDARY FACTORS.—The Secretary may also consider
2 such secondary factors as the Secretary considers appropriate.

3 (C) DEVELOPMENT OF REGULATIONS.—In developing regula-
4 tions to implement this subchapter, the Secretary shall consider
5 the extent to which plans for employment of Indians (including
6 Native Alaskans) and involvement of businesses owned by Indians,
7 Indian tribes, or Native Alaskans in the operation of a concession
8 contract should be identified as a factor in the selection of a best
9 proposal under this section.

10 (6) CONGRESSIONAL NOTIFICATION.—

11 (A) IN GENERAL.—The Secretary shall submit any proposed
12 concession contract with anticipated annual gross receipts in ex-
13 cess of \$5,000,000 or a duration of more than 10 years to the
14 Committee on Natural Resources of the House of Representatives
15 and the Committee on Energy and Natural Resources of the Sen-
16 ate.

17 (B) WAITING PERIOD.—The Secretary shall not award any pro-
18 posed concession contract to which subparagraph (A) applies until
19 at least 60 days subsequent to the notification of both Commit-
20 tees.

21 (7) PREFERENTIAL RIGHT OF RENEWAL.—

22 (A) IN GENERAL.—Except as provided in subparagraph (B), the
23 Secretary shall not grant a concessioner a preferential right to
24 renew a concession contract, or any other form of preference to
25 a concession contract.

26 (B) EXCEPTION.—The Secretary shall grant a preferential right
27 of renewal to an existing concessioner with respect to proposed re-
28 newals of the categories of concession contracts described by para-
29 graph (8), subject to the requirements of that paragraph.

30 (C) ENTITLEMENT TO AWARD OF NEW CONTRACT.—A conces-
31 sioner that successfully exercises a preferential right of renewal in
32 accordance with the requirements of this subchapter shall be enti-
33 tled to award of the proposed new concession contract to which
34 the preference applies.

35 (8) OUTFITTER AND GUIDE SERVICES AND SMALL CONTRACTS.—

36 (A) APPLICATION.—Paragraph (7) shall apply only to the fol-
37 lowing:

38 (i) Subject to subparagraph (B), concession contracts that
39 solely authorize the provision of specialized backcountry out-
40 door recreation guide services that require the employment of
41 specially trained and experienced guides to accompany System

1 unit visitors in the backcountry so as to provide a safe and
 2 enjoyable experience for visitors who otherwise may not have
 3 the skills and equipment to engage in that activity.

4 (ii) Subject to subparagraph (C), concession contracts with
 5 anticipated annual gross receipts under \$500,000.

6 (B) OUTFITTING AND GUIDE CONCESSIONERS.—

7 (i) DESCRIPTION.—Outfitting and guide concessioners,
 8 where otherwise qualified, include concessioners that provide
 9 guided river running, hunting, fishing, horseback, camping,
 10 and mountaineering experiences.

11 (ii) WHEN ENTITLED TO PREFERENTIAL RIGHT.—An out-
 12 fitting and guide concessioner is entitled to a preferential
 13 right of renewal under this subchapter only if—

14 (I) the contract with the outfitting and guide conces-
 15 sioner does not grant the concessioner any interest, in-
 16 cluding any leasehold surrender interest or possessory in-
 17 terest, in capital improvements on land owned by the
 18 United States within a System unit, other than a capital
 19 improvement constructed by a concessioner pursuant to
 20 the terms of a concession contract prior to November 13,
 21 1998, or constructed or owned by a concessioner or the
 22 concessioner's predecessor before the subject land was
 23 incorporated into the System;

24 (II) the Secretary determines that the concessioner
 25 has operated satisfactorily during the term of the con-
 26 tract (including any extension); and

27 (III) the concessioner has submitted a responsive pro-
 28 posal for a proposed new concession contract that satis-
 29 fies the minimum requirements established by the Sec-
 30 retary pursuant to paragraph (4).

31 (C) CONTRACT WITH ESTIMATED GROSS RECEIPTS OF LESS
 32 THAN \$500,000.—A concessioner that holds a concession contract
 33 that the Secretary estimates will result in gross annual receipts of
 34 less than \$500,000 if renewed shall be entitled to a preferential
 35 right of renewal under this subchapter if—

36 (i) the Secretary has determined that the concessioner has
 37 operated satisfactorily during the term of the contract (in-
 38 cluding any extension); and

39 (ii) the concessioner has submitted a responsive proposal
 40 for a proposed new concession contract that satisfies the min-

1 imum requirements established by the Secretary pursuant to
2 paragraph (4).

3 (9) NEW OR ADDITIONAL SERVICES.—The Secretary shall not grant
4 a preferential right to a concessioner to provide new or additional serv-
5 ices in a System unit.

6 (10) AUTHORITY OF SECRETARY NOT LIMITED.—Nothing in this
7 subchapter shall be construed as limiting the authority of the Secretary
8 to determine whether to issue a concession contract or to establish its
9 terms and conditions in furtherance of the policies expressed in this
10 subchapter.

11 (11) EXCEPTIONS.—Notwithstanding this section, the Secretary may
12 award, without public solicitation, the following:

13 (A) TEMPORARY CONTRACT.—To avoid interruption of services
14 to the public at a System unit, the Secretary may award a tem-
15 porary concession contract or an extension of an existing conces-
16 sions contract for a term not to exceed 3 year, except that prior
17 to making the award, the Secretary shall take all reasonable and
18 appropriate steps to consider alternatives to avoid the interruption.

19 (B) CONTRACT IN EXTRAORDINARY CIRCUMSTANCES.—The Sec-
20 retary may award a concession contract in extraordinary cir-
21 cumstances where compelling and equitable considerations require
22 the award of a concession contract to a particular party in the
23 public interest. Award of a concession contract under this subpara-
24 graph shall not be made by the Secretary until at least 30 days
25 after—

26 (i) publication in the Federal Register of notice of the Sec-
27 retary's intention to award the contract and the reasons for
28 the action; and

29 (ii) submission of notice to the Committee on Energy and
30 Natural Resources of the Senate and the Committee on Nat-
31 ural Resources of the House of Representatives.

32 **§ 1019.14. Term of concession contracts**

33 A concession contract entered into pursuant to this subchapter shall gen-
34 erally be awarded for a term of 10 years or less. The Secretary may award
35 a contract for a term of up to 20 years if the Secretary determines that
36 the contract terms and conditions, including the required construction of
37 capital improvements, warrant a longer term.

38 **§ 1019.15. Protection of concessioner investment**

39 (a) DEFINITIONS.—In this section:

40 (1) CAPITAL IMPROVEMENT.—The term “capital improvement”
41 means a structure, a fixture, or nonremovable equipment provided by

1 a concessioner pursuant to the terms of a concession contract and lo-
 2 cated on land of the United States within a System unit.

3 (2) CONSUMER PRICE INDEX.—The term “Consumer Price Index”
 4 means—

5 (A) the “Consumer Price Index—All Urban Consumers” pub-
 6 lished by the Bureau of Labor Statistics of the Department of
 7 Labor; or

8 (B) if the Index is not published, another regularly published
 9 cost-of-living index approximating the Consumer Price Index.

10 (b) LEASEHOLD SURRENDER INTEREST IN CAPITAL IMPROVEMENTS.—
 11 A concessioner that constructs a capital improvement on land owned by the
 12 United States within a System unit pursuant to a concession contract shall
 13 have a leasehold surrender interest in the capital improvement subject to
 14 the following terms and conditions:

15 (1) IN GENERAL.—A concessioner shall have a leasehold surrender
 16 interest in each capital improvement constructed by a concessioner
 17 under a concession contract, consisting solely of a right to compensa-
 18 tion for the capital improvement to the extent of the value of the con-
 19 cessioner’s leasehold surrender interest in the capital improvement.

20 (2) PLEDGE, TRANSFER, RELINQUISHMENT, AND WAIVER OF INTER-
 21 EST; INTEREST NOT TO BE EXTINGUISHED; WHEN INTEREST MAY BE
 22 TAKEN FOR PUBLIC USE.—A leasehold surrender interest—

23 (A) may be pledged as security for financing of a capital im-
 24 provement or the acquisition of a concession contract when ap-
 25 proved by the Secretary pursuant to this subchapter;

26 (B) shall be transferred by the concessioner in connection with
 27 any transfer of the concession contract and may be relinquished
 28 or waived by the concessioner; and

29 (C) shall not be extinguished by the expiration or other termi-
 30 nation of a concession contract and may not be taken for public
 31 use except on payment of just compensation.

32 (3) VALUE OF INTEREST.—The value of a leasehold surrender inter-
 33 est in a capital improvement shall be an amount equal to the initial
 34 value (construction cost of the capital improvement), increased (or de-
 35 creased) by the same percentage increase (or decrease) as the percent-
 36 age increase (or decrease) in the Consumer Price Index, from the date
 37 of making the investment in the capital improvement by the conces-
 38 sioner to the date of payment of the value of the leasehold surrender
 39 interest, less depreciation of the capital improvement as evidenced by
 40 the condition and prospective serviceability in comparison with a new
 41 unit of like kind.

1 (4) VALUE OF INTEREST IN CERTAIN NEW CONCESSION CON-
2 TRACTS.—

3 (A) HOW VALUE IS DETERMINED.—The Secretary may provide,
4 in any new concession contract that the Secretary estimates will
5 have a leasehold surrender interest of more than \$10,000,000,
6 that the value of any leasehold surrender interest in a capital im-
7 provement shall be based on—

8 (i) a reduction on an annual basis, in equal portions, over
9 the same number of years as the time period associated with
10 the straight line depreciation of the initial value (construction
11 cost of the capital improvement), as provided by applicable
12 Federal income tax laws and regulations in effect on Novem-
13 ber 12, 1998; or

14 (ii) an alternative formula that is consistent with the objec-
15 tives of this subchapter.

16 (B) WHEN ALTERNATIVE FORMULA MAY BE USED.—The Sec-
17 retary may use an alternative formula only if the Secretary deter-
18 mines, after scrutiny of the financial and other circumstances in-
19 volved in the particular concession contract (including providing
20 notice in the Federal Register and opportunity for comment), that
21 the alternative formula is, compared to the standard method of de-
22 termining value provided for in paragraph (3), necessary to pro-
23 vide a fair return to the Federal Government and to foster com-
24 petition for the new contract by providing a reasonable oppor-
25 tunity to make a profit under the new contract. If no responsive
26 offers are received in response to a solicitation that includes the
27 alternative formula, the concession opportunity shall be resolicited
28 with the leasehold surrender interest value as described in para-
29 graph (3).

30 (5) INCREASE IN VALUE OF INTEREST.—Where a concessioner, pur-
31 suant to the terms of a concession contract, makes a capital improve-
32 ment to an existing capital improvement in which the concessioner has
33 a leasehold surrender interest, the cost of the additional capital im-
34 provement shall be added to the then-current value of the conces-
35 sioner's leasehold surrender interest.

36 (c) SPECIAL RULE FOR POSSESSORY INTEREST EXISTING BEFORE NO-
37 VEMBER 13, 1998.—

38 (1) IN GENERAL.—A concessioner that has obtained a possessory in-
39 terest (as defined pursuant to the Act of October 9, 1965 (known as
40 the National Park Service Concessions Policy Act; Public Law 89-249,
41 79 Stat. 969), as in effect on November 12, 1998) under the terms

1 of a concession contract entered into before November 13, 1998, shall,
2 on the expiration or termination of the concession contract, be entitled
3 to receive compensation for the possessory interest improvements in the
4 amount and manner as described by the concession contract. Where
5 that possessory interest is not described in the existing concession con-
6 tract, compensation of possessory interest shall be determined in ac-
7 cordance with the laws in effect on November 12, 1998.

8 (2) EXISTING CONCESSIONER AWARDED A NEW CONTRACT.—A con-
9 cessioner awarded a new concession contract to replace an existing con-
10 cession contract after November 13, 1998, instead of directly receiving
11 the possessory interest compensation, shall have a leasehold surrender
12 interest in its existing possessory interest improvements under the
13 terms of the new concession contract and shall carry over as the initial
14 value of the leasehold surrender interest (instead of construction cost)
15 an amount equal to the value of the existing possessory interest as of
16 the termination date of the previous concession contract. In the event
17 of a dispute between the concessioner and the Secretary as to the value
18 of the possessory interest, the matter shall be resolved through binding
19 arbitration.

20 (3) NEW CONCESSIONER AWARDED A CONTRACT.—A new conces-
21 sioner awarded a concession contract and required to pay a prior con-
22 cessioner for possessory interest in prior improvements shall have a
23 leasehold surrender interest in the prior improvements. The initial
24 value in the leasehold surrender interest (instead of construction cost)
25 shall be an amount equal to the value of the existing possessory inter-
26 est as of the termination date of the previous concession contract.

27 (d) TRANSITION TO SUCCESSOR CONCESSIONER.—On expiration or ter-
28 mination of a concession contract entered into after November 13, 1998, a
29 concessioner shall be entitled under the terms of the concession contract to
30 receive from the United States or a successor concessioner the value of any
31 leasehold surrender interest in a capital improvement as of the date of the
32 expiration or termination. A successor concessioner shall have a leasehold
33 surrender interest in the capital improvement under the terms of a new con-
34 cession contract and the initial value of the leasehold surrender interest in
35 the capital improvement (instead of construction cost) shall be the amount
36 of money the new concessioner is required to pay the prior concessioner for
37 its leasehold surrender interest under the terms of the prior concession con-
38 tract.

39 (e) TITLE TO IMPROVEMENTS.—Title to any capital improvement con-
40 structed by a concessioner on land owned by the United States in a System
41 unit shall be vested in the United States.

1 **§ 1019.16. Reasonableness of rates and charges**

2 (a) IN GENERAL.—Each concession contract shall permit the concessioner
3 to set reasonable and appropriate rates and charges for facilities, goods, and
4 services provided to the public, subject to approval under subsection (b).

5 (b) APPROVAL BY SECRETARY REQUIRED.—

6 (1) FACTORS TO CONSIDER.—A concessioner's rates and charges to
7 the public shall be subject to approval by the Secretary. The approval
8 process utilized by the Secretary shall be as prompt and as
9 unburdensome to the concessioner as possible and shall rely on market
10 forces to establish reasonableness of rates and charges to the maximum
11 extent practicable. The Secretary shall approve rates and charges that
12 the Secretary determines to be reasonable and appropriate. Unless oth-
13 erwise provided in the concession contract, the reasonableness and ap-
14 propriateness of rates and charges shall be determined primarily by
15 comparison with those rates and charges for facilities, goods, and serv-
16 ices of comparable character under similar conditions, with due consid-
17 eration to the following factors and other factors deemed relevant by
18 the Secretary:

19 (A) Length of season.

20 (B) Peakloads.

21 (C) Average percentage of occupancy.

22 (D) Accessibility.

23 (E) Availability and costs of labor and materials.

24 (F) Type of patronage.

25 (2) RATES AND CHARGES NOT TO EXCEED MARKET RATES AND
26 CHARGES.—Rates and charges may not exceed the market rates and
27 charges for comparable facilities, goods, and services, after taking into
28 account the factors referred to in paragraph (1).

29 (c) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 6 months
30 after receiving recommendations from the Advisory Board regarding conces-
31 sioner rates and charges to the public, the Secretary shall implement the
32 recommendations or report to Congress the reasons for not implementing
33 the recommendations.

34 **§ 1019.17. Franchise fees**

35 (a) IN GENERAL.—A concession contract shall provide for payment to the
36 Federal Government of a franchise fee or other monetary consideration as
37 determined by the Secretary, on consideration of the probable value to the
38 concessioner of the privileges granted by the particular contract involved.
39 Probable value shall be based on a reasonable opportunity for net profit in
40 relation to capital invested and the obligations of the concession contract.
41 Consideration of revenue to the United States shall be subordinate to the

1 objectives of protecting and preserving System units and of providing nec-
 2 essary and appropriate services for visitors at reasonable rates.

3 (b) PROVISIONS TO BE SPECIFIED IN CONTRACT.—The amount of the
 4 franchise fee or other monetary consideration paid to the United States for
 5 the term of the concession contract shall be specified in the concession con-
 6 tract and may be modified only to reflect extraordinary unanticipated
 7 changes from the conditions anticipated as of the effective date of the con-
 8 cession contract. The Secretary shall include in concession contracts with a
 9 term of more than 5 years a provision that allows reconsideration of the
 10 franchise fee at the request of the Secretary or the concessioner in the event
 11 of extraordinary unanticipated changes. The provision shall provide for
 12 binding arbitration in the event that the Secretary and the concessioner are
 13 unable to agree on an adjustment to the franchise fee in those cir-
 14 cumstances.

15 (c) SPECIAL ACCOUNT IN TREASURY.—

16 (1) DEPOSIT AND AVAILABILITY.—All franchise fees (and other mon-
 17 etary consideration) paid to the United States pursuant to concession
 18 contracts shall be deposited in a special account established in the
 19 Treasury. Twenty percent of the funds deposited in the special account
 20 shall be available for expenditure by the Secretary, without further ap-
 21 propriation, to support activities throughout the System regardless of
 22 the System unit in which the funds were collected. The funds deposited
 23 in the special account shall remain available until expended.

24 (2) SUBACCOUNT FOR EACH SYSTEM UNIT.—There shall be estab-
 25 lished within the special account a subaccount for each System unit.
 26 Each subaccount shall be credited with 80 percent of the franchise fees
 27 (and other monetary consideration) collected at a single System unit
 28 under concession contracts. The funds credited to the subaccount for
 29 a System unit shall be available for expenditure by the Secretary, with-
 30 out further appropriation, for use at the System unit for visitor services
 31 and for purposes of funding high-priority and urgently necessary re-
 32 source management programs and operations. The funds credited to a
 33 subaccount shall remain available until expended.

34 **§ 1019.18. Transfer or conveyance of concession contracts or**
 35 **leasehold surrender interests**

36 (a) APPROVAL OF SECRETARY.—No concession contract or leasehold sur-
 37 render interest may be transferred, assigned, sold, or otherwise conveyed or
 38 pledged by a concessioner without prior written notification to, and approval
 39 by, the Secretary.

40 (b) CONDITIONS.—The Secretary shall approve a transfer or conveyance
 41 described in subsection (a) unless the Secretary finds that—

1 (1) the individual, corporation, or other entity seeking to acquire a
 2 concession contract is not qualified or able to satisfy the terms and
 3 conditions of the concession contract;

4 (2) the transfer or conveyance would have an adverse impact on—

5 (A) the protection, conservation, or preservation of the resources
 6 of the System unit; or

7 (B) the provision of necessary and appropriate facilities and
 8 services to visitors at reasonable rates and charges; and

9 (3) the terms of the transfer or conveyance are likely, directly or in-
 10 directly, to—

11 (A) reduce the concessioner's opportunity for a reasonable profit
 12 over the remaining term of the concession contract;

13 (B) adversely affect the quality of facilities and services pro-
 14 vided by the concessioner; or

15 (C) result in a need for increased rates and charges to the pub-
 16 lic to maintain the quality of the facilities and services.

17 (e) MODIFICATION OR RENEGOTIATION OF TERMS.—The terms and con-
 18 ditions of any concession contract under this section shall not be subject to
 19 modification or open to renegotiation by the Secretary because of a transfer
 20 or conveyance described in subsection (a) unless the transfer or conveyance
 21 would have an adverse impact as described in subsection (b)(2).

22 **§ 1019.19. National Park Service Concessions Management**
 23 **Advisory Board**

24 (a) ESTABLISHMENT AND PURPOSE.—There is a National Park Service
 25 Concessions Management Advisory Board whose purpose shall be to advise
 26 the Secretary and Service on matters relating to management of concessions
 27 in the System.

28 (b) DUTIES.—

29 (1) ADVICE.—The Advisory Board shall advise on each of the fol-
 30 lowing:

31 (A) Policies and procedures intended to ensure that services and
 32 facilities provided by concessioners—

33 (i) are necessary and appropriate;

34 (ii) meet acceptable standards at reasonable rates with a
 35 minimum of impact on park resources and values; and

36 (iii) provide the concessioners with a reasonable oppor-
 37 tunity to make a profit.

38 (B) Ways to make Service concession programs and procedures
 39 more cost effective, more process efficient, less burdensome, and
 40 timelier.

1 (2) RECOMMENDATIONS.—The Advisory Board shall make rec-
2 ommendations to the Secretary regarding each of the following:

3 (A) The Service contracting with the private sector to conduct
4 appropriate elements of concession management.

5 (B) Ways to make the review or approval of concessioner rates
6 and charges to the public more efficient, less burdensome, and
7 timelier.

8 (C) The nature and scope of products that qualify as Indian,
9 Alaska Native, and Native Hawaiian handicrafts within the mean-
10 ing of this subchapter.

11 (D) The allocation of concession fees.

12 (3) ANNUAL REPORT.—The Advisory Board shall provide an annual
13 report on its activities to the Committee on Natural Resources of the
14 House of Representatives and the Committee on Energy and Natural
15 Resources of the Senate.

16 (e) ADVISORY BOARD MEMBERSHIP.—Members of the Advisory Board
17 shall be appointed on a staggered basis by the Secretary for a term not to
18 exceed 4 years and shall serve at the pleasure of the Secretary. The Advi-
19 sory Board shall be comprised of not more than 7 individuals appointed
20 from among citizens of the United States not in the employment of the Fed-
21 eral Government and not in the employment of or having an interest in a
22 Service concession. Of the 7 members of the Advisory Board—

23 (1) one member shall be privately employed in the hospitality indus-
24 try and have both broad knowledge of hotel or food service manage-
25 ment and experience in the parks and recreation concession business;

26 (2) one member shall be privately employed in the tourism industry;

27 (3) one member shall be privately employed in the accounting indus-
28 try;

29 (4) one member shall be privately employed in the outfitting and
30 guide industry;

31 (5) one member shall be a State government employee with expertise
32 in park concession management;

33 (6) one member shall be active in promotion of traditional arts and
34 crafts; and

35 (7) one member shall be active in a nonprofit conservation organiza-
36 tion involved in parks and recreation programs.

37 (d) SERVICE ON ADVISORY BOARD.—Service of an individual as a mem-
38 ber of the Advisory Board shall not be deemed to be service or employment
39 bringing the individual within the provisions of any Federal law relating to
40 conflicts of interest or otherwise imposing restrictions, requirements, or pen-
41 alties in relation to the employment of individuals, the performance of serv-

ices, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Advisory Board shall not be deemed service in an appointive or elective position in the Federal Government for purposes of section 8344 of title 5 or other comparable provisions of Federal law.

(e) TERMINATION.—The Advisory Board shall continue to exist until December 31, 2009. In all other respects, it shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

§ 1019.20. Contracting for services

(a) CONTRACTING AUTHORIZED.—

(1) MANAGEMENT ELEMENTS FOR WHICH CONTRACT REQUIRED.—

To the maximum extent practicable, the Secretary shall contract with private entities to conduct or assist in elements of the management of the Service concessions program considered by the Secretary to be suitable for non-Federal performance. Those management elements shall include each of the following:

- (A) Health and safety inspections.
- (B) Quality control of concessions operations and facilities.
- (C) Strategic capital planning for concessions facilities.
- (D) Analysis of rates and charges to the public.

(2) MANAGEMENT ELEMENTS FOR WHICH CONTRACT ALLOWED.—

The Secretary may also contract with private entities to assist the Secretary with each of the following:

- (A) Preparation of the financial aspects of prospectuses for Service concession contracts.
- (B) Development of guidelines for a System capital improvement and maintenance program for all concession occupied facilities.
- (C) Making recommendations to the Director regarding the conduct of annual audits of concession fee expenditures.

(b) OTHER MANAGEMENT ELEMENTS.—The Secretary shall consider, taking into account the recommendations of the Advisory Board, contracting out other elements of the concessions management program, as appropriate.

(c) AUTHORITY OF SECRETARY NOT DIMINISHED.—Nothing in this section shall diminish the governmental responsibilities and authority of the Secretary to administer concession contracts and activities pursuant to this subchapter and chapter 1003 and sections 1009.01(a), 1009.06, 1021.01, and 1021.02 of this title. The Secretary reserves the right to make the final decision or contract approval on contracting services dealing with the management of the Service concessions program under this section.

1 **§ 1019.21. Multiple contracts within a System unit**

2 If multiple concession contracts are awarded to authorize concessioners
3 to provide the same or similar outfitting, guiding, river running, or other
4 similar services at the same approximate location or resource within a Sys-
5 tem unit, the Secretary shall establish a comparable franchise fee structure
6 for those contracts or similar contracts, except that the terms and condi-
7 tions of any existing concession contract shall not be subject to modification
8 or open to renegotiation by the Secretary because of an award of a new con-
9 tract at the same approximate location or resource.

10 **§ 1019.22. Special rule for service contract to provide trans-**
11 **portation services**

12 Notwithstanding any other provision of law, a service contract entered
13 into by the Secretary for the provision solely of transportation services in
14 a System unit shall be not more than 10 years in length, including a base
15 period of 5 years and an annual extension for an additional 5-year period
16 based on satisfactory performance and approval by the Secretary.

17 **§ 1019.23. Use of nonmonetary consideration in concession**
18 **contracts**

19 Section 1302 of title 40 shall not apply to concession contracts awarded
20 by the Secretary pursuant to this subchapter.

21 **§ 1019.24. Recordkeeping requirements**

22 (a) IN GENERAL.—A concessioner and any subconcessioner shall keep
23 such records as the Secretary may prescribe to enable the Secretary to de-
24 termine that all terms of a concession contract have been and are being
25 faithfully performed. The Secretary and any authorized representative of the
26 Secretary shall, for the purpose of audit and examination, have access to
27 those records and to other records of the concessioner or subconcessioner
28 pertinent to the concession contract and all terms and conditions of the con-
29 cession contract.

30 (b) ACCESS TO RECORDS BY COMPTROLLER GENERAL.—The Comptroller
31 General and any authorized representative of the Comptroller General shall,
32 until the expiration of 5 calendar years after the close of the business year
33 of each concessioner or subconcessioner, have access to and the right to ex-
34 amine any pertinent records described in subsection (a) of the concessioner
35 or subconcessioner related to the contract involved.

36 **§ 1019.25. Promotion of sale of Indian, Alaska Native, Native**
37 **Samoa, and Native Hawaiian handicrafts**

38 (a) IN GENERAL.—Promoting the sale of authentic United States Indian,
39 Alaskan Native, Native Samoan, and Native Hawaiian handicrafts relating
40 to the cultural, historical, and geographic characteristics of System units is
41 encouraged, and the Secretary shall ensure that there is a continuing effort

1 to enhance the handiwork trade where it exists and establish the trade in
2 appropriate areas where the trade does not exist.

3 (b) EXEMPTION FROM FRANCHISE FEE.—In furtherance of the purposes
4 of subsection (a), the revenue derived from the sale of United States Indian,
5 Alaska Native, Native Samoan, and Native Hawaiian handiworks shall be
6 exempt from any franchise fee payments under this subchapter.

7 **§ 1019.26. Commercial use authorizations**

8 (a) IN GENERAL.—To the extent specified in this section, the Secretary,
9 on request, may authorize a private person, corporation, or other entity to
10 provide services to visitors to System units through a commercial use au-
11 thorization. A commercial use authorization shall not be considered to be
12 a concession contract under this subchapter and no other section of this
13 subchapter shall be applicable to a commercial use authorization except
14 where expressly stated.

15 (b) CRITERIA FOR ISSUANCE OF COMMERCIAL USE AUTHORIZATIONS.—

16 (1) REQUIRED DETERMINATIONS.—The authority of this section may
17 be used only to authorize provision of services that the Secretary deter-
18 mines—

19 (A) will have minimal impact on resources and values of a Sys-
20 tem unit; and

21 (B) are consistent with the purpose for which the System unit
22 was established and with all applicable management plans and
23 Service policies and regulations.

24 (2) ELEMENTS OF COMMERCIAL USE AUTHORIZATION.—The Sec-
25 retary shall—

26 (A) require payment of a reasonable fee for issuance of a com-
27 mercial use authorization, the fees to remain available without fur-
28 ther appropriation to be used, at a minimum, to recover associated
29 management and administrative costs;

30 (B) require that the provision of services under a commercial
31 use authorization be accomplished in a manner consistent to the
32 highest practicable degree with the preservation and conservation
33 of System unit resources and values;

34 (C) take appropriate steps to limit the liability of the United
35 States arising from the provision of services under a commercial
36 use authorization;

37 (D) have no authority under this section to issue more commer-
38 cial use authorizations than are consistent with the preservation
39 and proper management of System unit resources and values; and

40 (E) shall establish other conditions for issuance of a commercial
41 use authorization that the Secretary determines to be appropriate

1 for the protection of visitors, provision of adequate and appro-
 2 priate visitor services, and protection and proper management of
 3 System unit resources and values.

4 (e) LIMITATIONS.—Any commercial use authorization shall be limited
 5 to—

6 (1) commercial operations with annual gross receipts of not more
 7 than \$25,000 resulting from services originating and provided solely
 8 within a System unit pursuant to the commercial use authorization;

9 (2) the incidental use of resources of the System unit by commercial
 10 operations that provide services originating and terminating outside the
 11 boundaries of the System unit; or

12 (3)(A) uses by organized children’s camps, outdoor clubs, and non-
 13 profit institutions (including back country use); and

14 (B) other uses, as the Secretary determines to be appropriate.

15 (d) NONPROFIT INSTITUTIONS.—Nonprofit institutions are not required
 16 to obtain commercial use authorizations unless taxable income is derived by
 17 the institution from the authorized use.

18 (e) PROHIBITION ON CONSTRUCTION.—A commercial use authorization
 19 shall not provide for the construction of any structure, fixture, or improve-
 20 ment on federally-owned land within the boundaries of a System unit.

21 (f) DURATION.—The term of any commercial use authorization shall not
 22 exceed 2 years. No preferential right of renewal or similar provisions for re-
 23 newal shall be granted by the Secretary.

24 (g) OTHER CONTRACTS.—A person, corporation, or other entity seeking
 25 or obtaining a commercial use authorization shall not be precluded from
 26 submitting a proposal for concession contracts.

27 **§ 1019.27. Regulations**

28 (a) IN GENERAL.—The Secretary shall prescribe regulations appropriate
 29 for the implementation of this subchapter.

30 (b) CONTENTS.—The regulations—

31 (1) shall include appropriate provisions to ensure that concession
 32 services and facilities to be provided in a System unit are not seg-
 33 mented or otherwise split into separate concession contracts for the
 34 purposes of seeking to reduce anticipated annual gross receipts of a
 35 concession contract below \$500,000; and

36 (2) shall further define the term “United States Indian, Alaskan Na-
 37 tive, and Native Hawaiian handicrafts” for the purposes of this sub-
 38 chapter.

39 **CHAPTER 1021—PRIVILEGES, LEASES, RENTALS, AND** 40 **PERMITS**

Sec.
 1021.01. General provisions.

1021.02. Disposal of timber.

1021.03. Authority of Secretary to enter into lease for buildings and associated property.

1021.04. Maintenance and repair of Federal Government improvements under concession contracts.

1 **§ 1021.01. General provisions**

2 (a) LIMITATION.—

3 (1) NO LEASE, RENTAL, OR PRIVILEGE THAT INTERFERES WITH
4 FREE ACCESS.—No natural curiosity, wonder, or object of interest shall
5 be leased, rented, or granted to anyone on such terms as to interfere
6 with free access by the public to any System unit.

7 (2) EXCEPTION FOR GRAZING LIVESTOCK.—The Secretary, under
8 such regulations and on such terms as the Secretary may prescribe,
9 may grant the privilege to graze livestock within a System unit when,
10 in the Secretary's judgment, the use is not detrimental to the primary
11 purpose for which the System unit was created. This paragraph does
12 not apply to Yellowstone National Park.

13 (b) ADVERTISING AND COMPETITIVE BIDS NOT REQUIRED.—The Sec-
14 retary may grant privileges, leases, and permits described in subsection (a)
15 and enter into related contracts with responsible persons, firms, or corpora-
16 tions without advertising and without securing competitive bids.

17 (c) ASSIGNMENT OR TRANSFER.— No contract, lease, permit, or privilege
18 described in subsection (a) or (b) that is entered into or granted shall be
19 assigned or transferred by the grantee, permittee, or licensee without the
20 prior written approval of the Secretary.

21 **§ 1021.02. Disposal of timber**

22 The Secretary, on terms and conditions to be fixed by the Secretary, may
23 sell or dispose of timber in cases where, in the judgment of the Secretary,
24 the cutting of timber is required to control attacks of insects or diseases
25 or otherwise conserve the scenery or the natural or historic objects in any
26 System unit.

27 **§ 1021.03. Authority of Secretary to enter into lease for**
28 **buildings and associated property**

29 (a) IN GENERAL.—To facilitate the administration of the System, the
30 Secretary, under such terms and conditions as the Secretary may consider
31 advisable, and except as provided in subsection (b) and subject to subsection
32 (c), may enter into a lease with any person or government entity for the
33 use of buildings and associated property administered by the Secretary as
34 part of the System.

35 (b) PROHIBITED ACTIVITIES.—The Secretary may not use a lease under
36 subsection (a) to authorize the lessee to engage in activities that are subject
37 to authorization by the Secretary through a concession contract, commercial
38 use authorization, or similar instrument.

1 (c) USE.—Buildings and associated property leased under subsection
2 (a)—

3 (1) shall be used for an activity that is consistent with the purposes
4 established by law for the System unit in which the building is located;

5 (2) shall not result in degradation of the purposes and values of the
6 System unit; and

7 (3) shall be compatible with Service programs.

8 (d) RENTAL AMOUNTS.—

9 (1) IN GENERAL.—With respect to a lease under subsection (a)—

10 (A) payment of fair market value rental shall be required; and

11 (B) section 1302 of title 40 shall not apply.

12 (2) ADJUSTMENT.—The Secretary may adjust the rental amount as
13 appropriate to take into account any amounts to be expended by the
14 lessee for preservation, maintenance, restoration, improvement, or re-
15 pair and related expenses.

16 (e) SPECIAL ACCOUNT.—

17 (1) DEPOSITS.—Rental payments under a lease under subsection (a)
18 shall be deposited in a special account in the Treasury.

19 (2) AVAILABILITY.—Amounts in the special account shall be avail-
20 able until expended, without further appropriation, for infrastructure
21 needs at System units, including—

22 (A) facility refurbishment;

23 (B) repair and replacement;

24 (C) infrastructure projects associated with park resource protec-
25 tion; and

26 (D) direct maintenance of the leased buildings and associated
27 properties.

28 (3) ACCOUNTABILITY AND RESULTS.—The Secretary shall develop
29 procedures for the use of the special account that ensure accountability
30 and demonstrated results consistent with this section and sections
31 1001.01, 1005.03, 1005.06, 1009.01(b), 1009.02(1) and (2),
32 1009.09(a) and (d), 1009.10, 1013.01(1)(A) and (2) to (4), 1013.05,
33 1017.02(b) and (c), 1019.01(1), 1029.01, and 1029.02 of this title.

34 (f) REGULATIONS.—The Secretary shall prescribe regulations imple-
35 menting this section that include provisions to encourage and facilitate com-
36 petition in the leasing process and provide for timely and adequate public
37 comment.

38 **§ 1021.04. Maintenance and repair of Federal Government**
39 **improvements under concession contracts**

40 Privileges, leases, and permits granted by the Secretary for the use of
41 land for the accommodation of System unit visitors, pursuant to sections

1 1009.01(a), 1009.06, 1021.01, and 1021.02 of this title, may provide for
 2 the maintenance and repair of Federal Government improvements by the
 3 grantee notwithstanding section 1302 of title 40 or any other provision of
 4 law.

5 **CHAPTER 1023—SYSTEM UNIT RESOURCE PROTECTION**

Sec.

1023.01. Definitions.

1023.02. Liability.

1023.03. Actions.

1023.04. Use of recovered amounts.

1023.05. Donations.

6 **§ 1023.01. Definitions**

7 In this chapter:

- 8 (1) **DAMAGES.**—The term “damages” includes—
 9 (A) compensation for—
 10 (i)(I) the cost of replacing, restoring, or acquiring the
 11 equivalent of a System unit resource; and
 12 (II) the value of any significant loss of use of a System
 13 unit resource pending its restoration or replacement or the
 14 acquisition of an equivalent resource; or
 15 (ii) the value of the System unit resource if the System
 16 unit resource cannot be replaced or restored; and
 17 (B) the cost of a damage assessment under section 1023.03(b)
 18 of this title.
- 19 (2) **RESPONSE COSTS.**—The term “response costs” means the costs
 20 of actions taken by the Secretary to—
 21 (A) prevent or minimize destruction or loss of or injury to a
 22 System unit resource;
 23 (B) abate or minimize the imminent risk of the destruction,
 24 loss, or injury; and
 25 (C) monitor ongoing effects of incidents causing the destruction,
 26 loss, or injury.
- 27 (3) **SYSTEM UNIT RESOURCE.**—
 28 (A) **IN GENERAL.**—The term “System unit resource” means any
 29 living or non-living resource that is located within the boundaries
 30 of a System unit.
 31 (B) **EXCLUSION.**—The term “System unit resource” does not
 32 include a resource owned by a non-Federal entity.

33 **§ 1023.02. Liability**

34 (a) **IN GENERAL.**—Subject to subsection (c), any person that destroys,
 35 causes the loss of, or injures any System unit resource is liable to the
 36 United States for response costs and damages resulting from the destruc-
 37 tion, loss, or injury.

1 (b) LIABILITY IN REM.—Any instrumentality, including a vessel, vehicle,
2 aircraft, or other equipment, that destroys, causes the loss of, or injures any
3 System unit resource shall be liable in rem to the United States for re-
4 sponse costs and damages resulting from the destruction, loss, or injury to
5 the same extent as a person is liable under subsection (a).

6 (c) DEFENSES.—A person is not liable under this section if—

7 (1) the destruction, loss of, or injury to the System unit resource
8 was caused solely by an act of God or an act of war;

9 (2) the person acted with due care, and the destruction, loss of, or
10 injury to the System unit resource was caused solely by an act or omis-
11 sion of a third party, other than an employee or agent of the person;

12 or

13 (3) the destruction, loss, or injury to the System unit resource was
14 caused by an activity authorized by Federal or State law.

15 (d) SCOPE.—Liability under this section is in addition to any other liabil-
16 ity that may arise under Federal or State law.

17 **§ 1023.03. Actions**

18 (a) CIVIL ACTION FOR RESPONSE COSTS AND DAMAGES.—The Attorney
19 General, on request of the Secretary after a finding by the Secretary of de-
20 struction, loss, or injury to a System unit resource or a finding that absent
21 the undertaking of response costs, destruction, loss, or damage to a System
22 unit resource would have occurred, may bring a civil action in United States
23 district court against any person or instrumentality that may be liable under
24 section 1023.02 of this title for response costs and damages. The Secretary
25 shall submit a request for the action to the Attorney General whenever a
26 person or instrumentality may be liable for those costs and damages under
27 section 1023.02 of this title.

28 (b) RESPONSE ACTIONS AND ASSESSMENT OF DAMAGES.—

29 (1) ACTIONS TO PREVENT OR MINIMIZE DESTRUCTION, LOSS, OR IN-
30 JURY.—The Secretary shall undertake all necessary actions to prevent
31 or minimize the destruction, loss of, or injury to System unit resources,
32 or to minimize the imminent risk of such destruction, loss, or injury.

33 (2) ASSESSMENT AND MONITORING.—The Secretary shall assess and
34 monitor destruction, loss, or injury to System unit resources.

35 **§ 1023.04. Use of recovered amounts**

36 (a) LIMITATION ON USE.—Response costs and damages recovered by the
37 Secretary under this chapter or amounts recovered by the Federal Govern-
38 ment under any Federal, State, or local law or regulation or otherwise as
39 a result of destruction, loss of, or injury to any System unit resource shall
40 be available to the Secretary and without further Congressional action may
41 be used only as follows:

1 (1) REIMBURSEMENT.—To reimburse response costs and damage as-
 2 sements by the Secretary or other Federal agencies as the Secretary
 3 considers appropriate.

4 (2) RESTORATION AND REPLACEMENT.—To restore, replace, or ac-
 5 quire the equivalent of System unit resources that were the subject of
 6 the action and to monitor and study those System unit resources. The
 7 funds may not be used to acquire any land or water, interest in land
 8 or water, or right to land or water unless the acquisition is specifically
 9 approved in advance in appropriations Acts. The acquisition shall be
 10 subject to any limitations contained in the legislation authorizing the
 11 System unit.

12 (b) EXCESS AMOUNTS.—Any amounts remaining after expenditures pur-
 13 suant to paragraphs (1) and (2) of subsection (a) shall be deposited in the
 14 Treasury.

15 **§ 1023.05. Donations**

16 The Secretary may accept donations of money or services for expenditure
 17 or employment to meet expected, immediate, or ongoing response costs. The
 18 donations may be expended or employed at any time after their acceptance,
 19 without further Congressional action.

20 **CHAPTER 1025—VOLUNTEERS IN PARKS PROGRAMS**

Sec.

1025.01. Establishment of program.

1025.02. Incidental expenses.

1025.03. Federal employee status for volunteers.

1025.04. Authorization of appropriations.

21 **§ 1025.01. Establishment of program**

22 The Secretary may recruit, train, and accept, without regard to chapter
 23 51 and subchapter III of chapter 53 of title 5 or regulations prescribed
 24 under that chapter or subchapter, the services of individuals without com-
 25 pensation as volunteers for or in aid of interpretive functions or other visitor
 26 services or activities in and related to System units. In accepting those serv-
 27 ices, the Secretary shall not permit the use of volunteers in hazardous duty
 28 or law enforcement work or in policymaking processes, or to displace any
 29 employee. The services of individuals whom the Secretary determines are
 30 skilled in performing hazardous activities may be accepted.

31 **§ 1025.02. Incidental expenses**

32 The Secretary may provide for incidental expenses of volunteers, such as
 33 transportation, uniforms, lodging, and subsistence.

34 **§ 1025.03. Federal employee status for volunteers**

35 (a) EMPLOYMENT STATUS OF VOLUNTEERS.—Except as otherwise pro-
 36 vided in this section, a volunteer shall not be deemed a Federal employee
 37 and shall not be subject to the provisions of law relating to Federal employ-

1 ment, including those relating to hours of work, rates of compensation,
2 leave, unemployment compensation, and Federal employee benefits.

3 (b) TORT CLAIMS.—For the purpose of sections 1346(b) and 2401(b) and
4 chapter 171 of title 28, a volunteer under this chapter shall be deemed a
5 Federal employee.

6 (c) VOLUNTEERS DEEMED CIVIL EMPLOYEES.—For the purposes of sub-
7 chapter I of chapter 81 of title 5, volunteers under this chapter shall be
8 deemed civil employees of the United States within the meaning of the term
9 “employee” as defined in section 8101 of title 5, and subchapter I of chap-
10 ter 81 of title 5 shall apply.

11 (d) COMPENSATION FOR LOSSES AND DAMAGES.—For the purpose of
12 claims relating to damage to, or loss of, personal property of a volunteer
13 incident to volunteer service, a volunteer under this chapter shall be deemed
14 a Federal employee, and section 3721 of title 31 shall apply.

15 **§ 1025.04. Authorization of appropriations**

16 There are authorized to be appropriated such amounts as are necessary
17 to carry out this chapter, but not more than \$3,500,000 shall be appro-
18 priated in any one year.

19 **CHAPTER 1027—MUSEUMS**

Sec.

1027.01. Purpose.

1027.02. Definition.

1027.03. Authority of Secretary.

1027.04. Review and approval.

1027.05. Disposal of unnecessary or duplicate museum objects.

20 **§ 1027.01. Purpose**

21 The purpose of this chapter is to increase the public benefits from muse-
22 ums established within System units and the Department of the Interior
23 Museum as a means of informing the public concerning the areas and pre-
24 serving valuable objects and relics relating to the areas.

25 **§ 1027.02. Definition**

26 (a) IN GENERAL.—In this chapter, the term “museum object” means an
27 object that—

28 (1) is eligible to be, or is made part of, a museum, library, or archive
29 collection through a formal procedure, such as accessioning; and

30 (2) is usually movable.

31 (b) INCLUSIONS.—In this chapter, the term “museum object” includes a
32 prehistoric or historic artifact, work of art, book, document, photograph, or
33 natural history specimen.

34 **§ 1027.03. Authority of Secretary**

35 Notwithstanding other provisions or limitations of law, the Secretary may
36 perform the following functions in the manner that the Secretary considers
37 to be in the public interest:

1 (1) DONATIONS AND BEQUESTS.—The Secretary may accept dona-
2 tions and bequests of money or other personal property, and hold, use,
3 expend, and administer the money or other personal property for pur-
4 poses of this chapter.

5 (2) PURCHASES.—The Secretary may purchase museum objects and
6 other personal property at prices that the Secretary considers to be
7 reasonable.

8 (3) EXCHANGES.—The Secretary may make exchanges by accepting
9 museum objects and other personal property and by granting in ex-
10 change for the museum objects or other personal property museum
11 property under the administrative jurisdiction of the Secretary that no
12 longer is needed or that may be held in duplicate among the museum
13 properties administered by the Secretary. Exchanges shall be con-
14 summated on a basis that the Secretary considers to be equitable and
15 in the public interest.

16 (4) ACCEPTING LOANS OF PROPERTY.—The Secretary may accept
17 the loan of museum objects and other personal property and pay trans-
18 portation costs incidental to the museum objects or other personal
19 property. Loans shall be accepted on terms and conditions that the
20 Secretary considers necessary.

21 (5) LOANING PROPERTY.—The Secretary may loan to responsible
22 public or private organizations, institutions, or agencies, without cost
23 to the United States, such museum objects and other personal property
24 as the Secretary shall consider advisable. Loans shall be made on terms
25 and conditions that the Secretary considers necessary to protect the
26 public interest in those properties.

27 (6) TRANSFER OF MUSEUM OBJECTS.—The Secretary may transfer
28 museum objects that the Secretary determines are no longer needed for
29 museum purposes to qualified Federal agencies, including the Smithso-
30 nian Institution, that have programs to preserve and interpret cultural
31 or natural heritage, and accept the transfer of museum objects for the
32 purposes of this chapter from any other Federal agency, without reim-
33 bursement. The head of any other Federal agency may transfer, with-
34 out reimbursement, museum objects directly to the administrative juris-
35 diction of the Secretary for the purpose of this chapter.

36 (7) DESTRUCTION OF MUSEUM OBJECTS.—The Secretary may de-
37 stroy or cause to be destroyed museum objects that the Secretary de-
38 termines to have no scientific, cultural, historic, educational, esthetic,
39 or monetary value.

40 (8) CONVEYANCE OF MUSEUM OBJECTS.—The Secretary may convey
41 museum objects that the Secretary determines are no longer needed for

1 museum purposes, without monetary consideration but subject to such
 2 terms and conditions as the Secretary considers necessary, to private
 3 institutions exempt from Federal taxation under section 501(c)(3) of
 4 the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and to non-
 5 Federal governmental entities if the Secretary determines that the re-
 6 cipient is dedicated to the preservation and interpretation of natural or
 7 cultural heritage and is qualified to manage the property, prior to any
 8 conveyance under this paragraph and paragraphs (6) and (7).

9 **§ 1027.04. Review and approval**

10 The Secretary shall ensure that museum objects are treated in a careful
 11 and deliberate manner that protects the public interest. Prior to taking any
 12 action under section 1027.03(6), (7), or (8) of this title, the Secretary shall
 13 establish a systematic review and approval process, including consultation
 14 with appropriate experts, that meets the highest standards of the museum
 15 profession for all actions taken under section 1027.03(6), (7), or (8) of this
 16 title.

17 **§ 1027.05. Disposal of unnecessary or duplicate museum ob-**
 18 **jects**

19 The Secretary may dispose of objects no longer needed for the Depart-
 20 ment of the Interior Museum or held in duplicate among museum properties
 21 and apply the proceeds to the purchase of museum objects and other per-
 22 sonal property at reasonable prices.

23 **CHAPTER 1029—LAW ENFORCEMENT AND EMERGENCY**
 24 **ASSISTANCE**

Subchapter I—Law Enforcement

Sec.

1029.01. Law enforcement personnel within System.

1029.02. Crime prevention assistance.

Subchapter II—Emergency Assistance

1029.11. Authority of Secretary to carry out certain activities.

1029.12. Aid to visitors, grantees, permittees, or licensees in emergencies.

25 **Subchapter I—Law Enforcement**

26 **§ 1029.01. Law enforcement personnel within System**

27 (a) OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF THE INTE-
 28 RIOR.—

29 (1) DESIGNATION AUTHORITY OF SECRETARY.—The Secretary, pur-
 30 suant to standards prescribed in regulations by the Secretary, may des-
 31 ignate certain officers or employees of the Department of the Interior
 32 who shall maintain law and order and protect individuals and property
 33 within System units.

34 (2) POWERS AND DUTIES OF DESIGNEES.—In the performance of
 35 the duties described in paragraph (1), the designated officers or em-
 36 ployees may—

1 (A) carry firearms;

2 (B) make arrests without warrant for any offense against the
3 United States committed in the presence of the officer or em-
4 ployee, or for any felony cognizable under the laws of the United
5 States if the officer or employee has reasonable grounds to believe
6 that the individual to be arrested has committed or is committing
7 the felony, provided the arrests occur within the System or the in-
8 dividual to be arrested is fleeing from the System to avoid arrest;

9 (C) execute any warrant or other process issued by a court or
10 officer of competent jurisdiction for the enforcement of the provi-
11 sions of any Federal law or regulation issued pursuant to law aris-
12 ing out of an offense committed in the System or, where the indi-
13 vidual subject to the warrant or process is in the System, in con-
14 nection with any Federal offense; and

15 (D) conduct investigations of offenses against the United States
16 committed in the System in the absence of investigation of the of-
17 fenses by any other Federal law enforcement agency having inves-
18 tigative jurisdiction over the offense committed or with the concu-
19 rence of the other agency.

20 (b) OTHER INDIVIDUALS.—The Secretary may designate officers and em-
21 ployees of any other Federal agency, or law enforcement personnel of a
22 State or political subdivision of a State, when determined to be economical
23 and in the public interest and with the concurrence of that agency, State,
24 or subdivision, to—

25 (1) act as special police officers in System units when supplemental
26 law enforcement personnel may be needed; and

27 (2) exercise the powers and authority provided by subparagraphs (A)
28 to (D) of subsection (a)(2).

29 (c) COOPERATION WITH STATES AND POLITICAL SUBDIVISIONS.—The
30 Secretary may—

31 (1) cooperate, within the System, with any State or political subdivi-
32 sion of a State in the enforcement of supervision of the laws or ordi-
33 nances of that State or subdivision;

34 (2) mutually waive, in any agreement pursuant to paragraph (1) and
35 subsection (b) or pursuant to subparagraphs (A) and (B) of subsection
36 (a)(2) with any State or political subdivision of a State where State
37 law requires the waiver and indemnification, all civil claims against all
38 the other parties to the agreement and, subject to available appropriati-
39 ons, indemnify and save harmless the other parties to the agreement
40 from all claims by third parties for property damage or personal injury,

1 that may arise out of the parties' activities outside their respective ju-
 2 risdictions under the agreement; and

3 (3) provide limited reimbursement, to a State or political subdivi-
 4 sions of a State, in accordance with such regulations as the Secretary
 5 may prescribe, where the State has ceded concurrent legislative juris-
 6 diction over the affected area of the System, for expenditures incurred
 7 in connection with its activities within the System that were rendered
 8 pursuant to subsection (b).

9 (d) SUPPLEMENTAL AUTHORITY; DELEGATION OF SERVICE LAW EN-
 10 FORCEMENT RESPONSIBILITIES NOT AUTHORIZED.—Subsections (b) and
 11 (c) supplement the law enforcement responsibilities of the Service and do
 12 not authorize the delegation of law enforcement responsibilities of the Ser-
 13 vice to State and local governments.

14 (e) SPECIAL POLICE OFFICERS NOT DEEMED FEDERAL EMPLOYEES.—

15 (1) IN GENERAL.—Except as otherwise provided in this subsection,
 16 a law enforcement officer of a State or political subdivision of a State
 17 designated to act as a special police officer under subsection (b) shall
 18 not be deemed a Federal employee and shall not be subject to the pro-
 19 visions of law relating to Federal employment, including those relating
 20 to hours of work, rates of compensation, leave, unemployment com-
 21 pensation, and Federal benefits.

22 (2) EXCEPTIONS.—A law enforcement officer of a State or political
 23 subdivision of a State, when acting as a special police officer under
 24 subsection (b), is deemed to be—

25 (A) a Federal employee for purposes of sections 1346(b) and
 26 2401(b) and chapter 171 of title 28; and

27 (B) a civil service employee of the United States within the
 28 meaning of the term “employee” as defined in section 8101 of title
 29 5, for purposes of subchapter I of chapter 81 of title 5, relating
 30 to compensation to Federal employees for work injuries, and the
 31 provisions of subchapter I of chapter 81 of title 5 shall apply.

32 (f) FEDERAL INVESTIGATIVE JURISDICTION AND STATE CIVIL AND
 33 CRIMINAL JURISDICTION NOT PREEMPTED.—This section and sections
 34 1001.01, 1005.03, 1005.06, 1009.01(b), 1009.02(1) and (2), 1009.09(a)
 35 and (d), 1009.10, 1013.01(1)(A) and (2) to (4), 1013.05, 1017.02(b) and
 36 (c), 1019.01(1), 1021.03, and 1029.02 of this title shall not be construed
 37 or applied to limit or restrict the investigative jurisdiction of any Federal
 38 law enforcement agency other than the Service, and nothing shall be con-
 39 strued or applied to affect any right of a State or political subdivision of
 40 a State to exercise civil and criminal jurisdiction within the System.

1 **§ 1029.02. Crime prevention assistance**

2 (a) RECOMMENDATIONS FOR IMPROVEMENT.—The Secretary shall direct
3 the chief official responsible for law enforcement within the Service to—

4 (1) compile a list of System units with the highest rates of violent
5 crime;

6 (2) make recommendations concerning capital improvements, and
7 other measures, needed within the System to reduce the rates of violent
8 crime, including the rate of sexual assault; and

9 (3) publish the information required by paragraphs (1) and (2) in
10 the Federal Register.

11 (b) DISTRIBUTION OF FUNDS.—Based on the recommendations and list
12 issued pursuant to subsection (a), the Secretary shall distribute the funds
13 authorized by subsection (d) throughout the System. Priority shall be given
14 to areas with the highest rates of sexual assault.

15 (c) USE OF FUNDS.—Funds provided under this section may be used—

16 (1) to increase lighting within or adjacent to System units;

17 (2) to provide emergency phone lines to contact law enforcement or
18 security personnel in areas within or adjacent to System units;

19 (3) to increase security or law enforcement personnel within or adja-
20 cent to System units; or

21 (4) for any other project intended to increase the security and safety
22 of System units.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be ap-
24 propriated out of the Violent Crime Reduction Trust Fund not to exceed
25 \$10,000,000 for the Secretary to take all necessary actions to seek to re-
26 duce the incidence of violent crime in the System.

27 **Subchapter II—Emergency Assistance**

28 **§ 1029.11. Authority of Secretary to carry out certain activi-**
29 **ties**

30 To facilitate the administration of the System, the Secretary may render
31 emergency rescue, firefighting, and cooperative assistance to nearby law en-
32 forcement and fire prevention agencies and for related purposes outside the
33 System.

34 **§ 1029.12. Aid to visitors, grantees, permittees, or licencees**
35 **in emergencies**

36 (a) VISITORS.—The Secretary may aid visitors within a System unit in
37 an emergency, when no other source is available for the procurement of food
38 or supplies, by the sale, at cost, of food or supplies in quantities sufficient
39 to enable the visitors to reach safely a point where food or supplies can be
40 purchased. Receipts from the sales shall be deposited as a refund to the ap-

1 appropriation current at the date of the deposit and shall be available for the
2 purchase of similar food or supplies.

3 (b) GRANTEES, PERMITTEES, AND LICENSEES.—The Secretary may in
4 an emergency, when no other source is available for the immediate procure-
5 ment of supplies, materials, or special services, aid grantees, permittees, or
6 licensees conducting operations for the benefit of the public in a System unit
7 by the sale, at cost, including transportation and handling, of supplies, ma-
8 terials, or special services as may be necessary to relieve the emergency and
9 ensure uninterrupted service to the public. Receipts from the sales shall be
10 deposited as a refund to the appropriation current at the date of the deposit
11 and shall be available for expenditure for System unit purposes.

12 **CHAPTER 1031—MINING ACTIVITY WITHIN SYSTEM**
13 **UNITS**

Sec.

1031.01. Findings and declaration of policy.

1031.02. Preservation and management of System units by Secretary; promulgation of regu-
 lations.

1031.03. Recordation of mining claims; publication of notice.

1031.04. Report on finding or notification of potential damage to natural and historical land-
 marks.

1031.05. Civil actions for just compensation by mining claim holders.

1031.06. Acquisition of land by Secretary.

1031.07. Financial disclosure by officer or employee of Secretary.

14 **§ 1031.01. Findings and declaration of policy**

15 The Congress finds and declares that—

16 (1) continued application of the mining laws of the United States to
17 System units to which the mining laws apply conflicts with the pur-
18 poses for which the System units were established; and

19 (2) all mining operations in System units should be conducted so as
20 to prevent or minimize damage to the environment and other resource
21 values.

22 **§ 1031.02. Preservation and management of System units by**
23 **Secretary; promulgation of regulations**

24 To preserve for the benefit of present and future generations the pristine
25 beauty of System units, and to further the purposes of chapter 1003 and
26 sections 1009.01(a), 1009.06, 1021.01, and 1021.02 of this title and the
27 individual organic Acts for the System units, all activities resulting from the
28 exercise of valid existing mineral rights on patented or unpatented mining
29 claims within any System unit shall be subject to such regulations pre-
30 scribed by the Secretary as the Secretary considers necessary or desirable
31 for the preservation and management of the System units.

32 **§ 1031.03. Recordation of mining claims; publication of no-**
33 **tice**

34 All mining claims under the Mining Law of 1872 (30 U.S.C. chapter 2,
35 sections 161 and 162, and chapters 12A and 16) that lie within the bound-

aries of System units that were not recorded with the Secretary within one year after September 28, 1976, shall be conclusively presumed to be abandoned and shall be void. The recordation does not render valid any claim that was not valid on September 28, 1976, or that becomes invalid thereafter.

§ 1031.04. Report on finding or notification of potential damage to natural and historical landmarks

When the Secretary finds on the Secretary's own motion or on being notified in writing by an appropriate scientific, historical, or archaeological authority that a district, site, building, structure, or object that has been found to be nationally significant in illustrating natural history or the history of the United States and that has been designated as a natural or historic landmark may be irreparably lost or destroyed in whole or in part by any surface mining activity, including exploration for or removal or production of minerals or materials, the Secretary shall notify the person conducting the activity and submit a report on the findings or notification, including the basis for the Secretary's finding that the activity may cause irreparable loss or destruction of a national landmark, to the Advisory Council on Historic Preservation, with a request for advice of the Council as to alternative measures that may be taken by the United States to mitigate or abate the activity.

§ 1031.05. Civil actions for just compensation by mining claim holders

The holder of any patented or unpatented mining claim subject to this chapter that believes the holder has suffered a loss by operation of this chapter, or by orders or regulations issued pursuant to this chapter, may bring a civil action in United States district court to recover just compensation, which shall be awarded if the court finds that the loss constitutes a taking of property compensable under the Constitution.

§ 1031.06. Acquisition of land by Secretary

Nothing in this chapter shall be construed to limit the authority of the Secretary to acquire land and interests in land within the boundary of any System unit. The Secretary shall give prompt and careful consideration to any offer made by the owner of any valid right or other property in Glacier Bay National Monument, Death Valley National Monument, Organ Pipe Cactus National Monument, or Mount McKinley National Park to sell the right or other property if the owner notifies the Secretary that the continued ownership of the right or property is causing, or would result in, undue hardship.

1 **§ 1031.07. Financial disclosure by officer or employee of Sec-**
 2 **retary**

3 (a) WRITTEN STATEMENTS.—Each officer or employee of the Secretary
 4 who—

5 (1) performs any function or duty under this chapter, or any Act
 6 amended by the Mining in the Parks Act (Public Law 94–429, 90 Stat.
 7 1342) concerning the regulation of mining in the System; and

8 (2) has any known financial interest—

9 (A) in any person subject to this chapter or any Act amended
 10 by the Mining in the Parks Act (Public Law 94–429, 90 Stat.
 11 1342); or

12 (B) in any person who holds a mining claim within the bound-
 13 ary of any System unit;

14 shall annually file with the Secretary a written statement concerning all
 15 such interests held by the officer or employee during the preceding calendar
 16 year. The statement shall be available to the public.

17 (b) MONITORING AND ENFORCEMENT PROCEDURES.—The Secretary
 18 shall—

19 (1) prescribe regulations that—

20 (A) define the term “known financial interest” for purposes of
 21 subsection (a); and

22 (B) establish the methods by which the requirement to file writ-
 23 ten statements specified in subsection (a) will be monitored and
 24 enforced, including appropriate provisions for the filing by the offi-
 25 cers and employees of the statements and the review by the Sec-
 26 retary of the statements; and

27 (2) submit to Congress on June 1 of each year a report with respect
 28 to the disclosures and the actions taken in regard to the disclosures
 29 during the preceding calendar year.

30 (c) EXEMPTIONS.—In the regulations prescribed under subsection (b), the
 31 Secretary may identify specific positions within the Department of the Inte-
 32 rior that are of a nonregulatory or nonpolicymaking nature and provide that
 33 officers or employees occupying those positions shall be exempt from the re-
 34 quirements of this section.

35 (d) CRIMINAL PENALTY.—Any officer or employee who is subject to, and
 36 knowingly violates, this section or any regulation prescribed under this sec-
 37 tion shall be fined under title 18, imprisoned not more than one year, or
 38 both.

39 **CHAPTER 1033—LAND TRANSFERS**

Sec.

1033.01. Conveyance of property and interests in property in System units or related areas.

1 **§ 1033.01. Conveyance of property and interests in property**
 2 **in System units or related areas**

3 (a) FREEHOLD AND LEASEHOLD INTERESTS.—With respect to any prop-
 4 erty acquired by the Secretary within a System unit or related area, except
 5 property within national parks or within national monuments of scientific
 6 significance, the Secretary may convey a freehold or leasehold interest in the
 7 property, subject to such terms and conditions as will ensure the use of the
 8 property in a manner that is, in the judgment of the Secretary, consistent
 9 with the purpose for which the System unit or related area was authorized
 10 by Congress. The Secretary shall convey the interest to the highest bidder,
 11 in accordance with such regulations as the Secretary may prescribe. The
 12 conveyance shall be at not less than the fair market value of the interest,
 13 as determined by the Secretary, except that if the conveyance is proposed
 14 within 2 years after the property to be conveyed is acquired by the Sec-
 15 retary, the Secretary shall allow the last owner of record of the property
 16 30 days following the date on which the owner is notified by the Secretary
 17 in writing that the property is to be conveyed within which to notify the
 18 Secretary that the owner wishes to acquire the interest. On receiving the
 19 timely request, the Secretary shall convey the interest to the person, in ac-
 20 cordance with such regulations as the Secretary may prescribe, on payment
 21 or agreement to pay an amount equal to the highest bid price.

22 (b) EXCHANGE OF LAND.—

23 (1) IN GENERAL.—The Secretary may accept title to any non-Fed-
 24 eral property or interest in property within a System unit or related
 25 area under the Secretary's administration in exchange for any Feder-
 26 ally-owned property or interest under the Secretary's jurisdiction that
 27 the Secretary determines is suitable for exchange or other disposal and
 28 that is located in the same State as the non-Federal property to be ac-
 29 quired.

30 (2) EXCEPTION.—Timberland subject to harvest under a sustained
 31 yield program shall not be exchanged under paragraph (1).

32 (3) PUBLIC HEARING.—On request of a State or a political subdivi-
 33 sion thereof, or of a party in interest, prior to an exchange under this
 34 subsection the Secretary shall hold a public hearing in the area where
 35 the properties to be exchanged are located.

36 (4) VALUES OF PROPERTIES EXCHANGED.—The values of the prop-
 37 erties exchanged—

38 (A) shall be approximately equal; or

39 (B) if they are not approximately equal, shall be equalized by
 40 the payment of cash to the grantor from funds appropriated for

1 the acquisition of land for the area, or to the Secretary, as the
2 circumstances require.

3 (c) **SOLID WASTE DISPOSAL OPERATIONS.**—

4 (1) **IN GENERAL.**—To protect the air, land, water, and natural and
5 cultural values of the System and the property of the United States
6 in the System, no solid waste disposal site (including any site for the
7 disposal of domestic or industrial solid waste) may be operated within
8 the boundary of any System unit, other than—

9 (A) a site that was operating as of September 1, 1984; or

10 (B) a site used only for disposal of waste generated within that
11 System unit so long as the site will not degrade any of the natural
12 or cultural resources of the System unit.

13 (2) **REGULATIONS.**—The Secretary shall prescribe regulations to
14 carry out this subsection, including reasonable regulations to mitigate
15 the adverse effects of solid waste disposal sites in operation as of Sep-
16 tember 1, 1984, on property of the United States.

17 (d) **PROCEEDS CREDITED TO LAND AND WATER CONSERVATION**
18 **FUND.**—The proceeds received from any conveyance under this section shall
19 be credited to the Land and Water Conservation Fund.

20 **CHAPTER 1035—APPROPRIATIONS AND ACCOUNTING**

Sec.

1035.01. Availability and use of appropriations.

1035.02. Appropriations authorized and available for certain purposes.

1035.03. Amounts provided by private entities for utility services.

1035.04. Recovery of costs associated with special use permits.

21 **§ 1035.01. Availability and use of appropriations**

22 (a) **CREDITS OF RECEIPTS FOR MEALS AND QUARTERS FURNISHED**
23 **FEDERAL GOVERNMENT EMPLOYEES IN THE FIELD.**—Cash collections and
24 payroll deductions made for meals and quarters furnished by the Service to
25 employees of the Federal Government in the field and to cooperating agen-
26 cies may be credited as a reimbursement to the current appropriation for
27 the administration of the System unit in which the accommodations are fur-
28 nished.

29 (b) **AVAILABILITY FOR EXPENSE OF RECORDING DONATED LAND.**—Ap-
30 propriations made for the Service shall be available for any expenses inci-
31 dent to the preparation and recording of title evidence covering land to be
32 donated to the United States for administration by the Service.

33 (c) **USE OF FUNDS FOR LAW ENFORCEMENT AND EMERGENCIES.**—

34 (1) **IN GENERAL.**—Funds, not to exceed \$250,000 per incident,
35 available to the Service may be used, with the approval of the Sec-
36 retary, to—

37 (A) maintain law and order in emergency and other unforeseen
38 law enforcement situations; and

1 (B) conduct emergency search and rescue operations in the Sys-
2 tem.

3 (2) REPLENISHMENT OF FUNDS.—If the Secretary expends funds
4 under paragraph (1), the funds shall be replenished by a supplemental
5 appropriation for which the Secretary shall make a request as promptly
6 as possible.

7 (d) CONTRIBUTION FOR ANNUITY BENEFITS.—

8 (1) IN GENERAL.—Necessary amounts are appropriated for reim-
9 bursement, pursuant to the Policemen and Firemen's Retirement and
10 Disability Act amendments of 1957 (Public Law 85-157, 71 Stat.
11 391), to the District of Columbia on a monthly basis for benefit pay-
12 ments by the District of Columbia to United States Park Police annu-
13 itants under section 12 of the Policemen and Firemen's Retirement
14 and Disability Act (ch. 433, 39 Stat. 718), to the extent that those
15 payments exceed contributions made by active Park Police members
16 covered under the Policemen and Firemen's Retirement and Disability
17 Act.

18 (2) NONAVAILABILITY OF APPROPRIATIONS TO THE SERVICE.—Ap-
19 propriations made to the Service are not available for the purpose of
20 making reimbursements under paragraph (1).

21 (e) WATERPROOF FOOTWEAR.—Appropriations for the Service that are
22 available for the purchase of equipment may be used for purchase of water-
23 proof footwear, which shall be regarded and listed as System equipment.

24 **§ 1035.02. Appropriations authorized and available for cer-
25 tain purposes**

26 Appropriations for the Service are authorized and are available for—

27 (1)(A) necessary protection of the area of federally owned land in the
28 custody of the Service known as the Ocean Strip and Queets Corridor,
29 adjacent to Olympic National Park, Washington;

30 (B) necessary repairs to the roads from Glacier Park Station
31 through the Blackfeet Indian Reservation to the various points in the
32 boundary line of Glacier National Park, Montana, and the international
33 boundary;

34 (C) repair and maintenance of approximately 2.77 miles of road
35 leading from United States Highway 187 to the north entrance of
36 Grand Teton National Park, Wyoming;

37 (D) maintenance of approach roads through the Lassen National
38 Forest leading to Lassen Volcanic National Park, California;

39 (E) maintenance and repair of the Generals Highway between the
40 boundaries of Sequoia National Park, California, and the Grant Grove
41 section of Kings Canyon National Park, California;

1 (F) maintenance of approximately 2.25 miles of roads comprising the
 2 portions of the Fresno-Kings Canyon approach road, Park Ridge Look-
 3 out Road, and Ash Mountain-Advance truck trail necessary to the ad-
 4 ministration and protection of Sequoia National Park and Kings Can-
 5 yon National Park;

6 (G) maintenance of the roads in the national forests leading out of
 7 Yellowstone National Park, Wyoming, Idaho, and Montana;

8 (H) maintenance of the road in the Stanislaus National Forest con-
 9 necting the Tioga Road with the Hetch Hetchy Road near Mather Sta-
 10 tion, Yosemite National Park, California;

11 (I) maintenance and repair of the approach road to the Little Big-
 12 horn Battlefield National Monument and the road connecting that
 13 monument with the Reno Monument site, Montana; and

14 (J) repair and maintenance of the class C road lying between the
 15 terminus of F.A. 383 at the east boundary of Coronado National For-
 16 est and the point where that class C road enters Coronado National
 17 Memorial in the vicinity of Montezuma Pass, approximately 5.3 miles;

18 (2) administration, protection, improvement, and maintenance of
 19 areas, under the jurisdiction of other Federal agencies, that are devoted
 20 to recreational use pursuant to cooperative agreements;

21 (3) necessary local transportation and subsistence in kind of individ-
 22 uals selected for employment or as cooperators, serving without other
 23 compensation, while attending fire protection training camps;

24 (4) administration, protection, maintenance, and improvement of the
 25 Chesapeake and Ohio Canal;

26 (5) educational lectures in or in the vicinity of and with respect to
 27 System units, and services of field employees in cooperation with such
 28 nonprofit scientific and historical societies engaged in educational work
 29 in System units as the Secretary may designate;

30 (6) travel expenses of employees attending—

31 (A) Federal Government camps for training in forest fire pre-
 32 vention and suppression;

33 (B) the Federal Bureau of Investigation National Police Acad-
 34 emy; and

35 (C) Federal, State, or municipal schools for training in building
 36 fire prevention and suppression;

37 (7) investigation and establishment of water rights in accordance
 38 with local custom, laws, and decisions of courts, including the acquisi-
 39 tion of water rights or of land or interests in land or rights-of-way for
 40 use and protection of water rights necessary or beneficial in the admin-
 41 istration and public use of System units;

1 (8) acquisition of rights-of-way and construction and maintenance of
2 a water supply line partly outside the boundaries of Mesa Verde Na-
3 tional Park;

4 (9) official telephone service in the field in the case of official tele-
5 phones installed in private houses when authorized under regulations
6 established by the Secretary; and

7 (10) provision of transportation for children in nearby communities
8 to and from any System unit used in connection with organized recre-
9 ation and interpretive programs of the Service.

10 **§ 1035.03. Amounts provided by private entities for utility**
11 **services**

12 Notwithstanding any other provision of law, amounts provided to the
13 Service by private entities for utility services shall be credited to the appro-
14 priate account and remain available until expended.

15 **§ 1035.04. Recovery of costs associated with special use per-**
16 **mits**

17 Notwithstanding any other provision of law, the Service may recover all
18 costs of providing necessary services associated with special use permits.
19 The reimbursements shall be credited to the appropriation current at that
20 time.

21 **CHAPTER 1037—NATIONAL MILITARY PARKS**

Sec.

- 1037.01. Military maneuvers.
- 1037.02. Camps for military instruction.
- 1037.03. Performance of duties of commissions.
- 1037.04. Recovery of land withheld.
- 1037.05. Travel expenses incident to study of battlefields.
- 1037.06. Studies.
- 1307.07. Criminal penalties.

22 **§ 1037.01. Military maneuvers**

23 To obtain practical benefits of great value to the country from the es-
24 tablishment of national military parks, the parks and their approaches are
25 declared to be national fields for military maneuvers for the Regular Army
26 or Regular Air Force and the National Guard or militia of the States. Na-
27 tional military parks shall be opened for those purposes only in the discre-
28 tion of the Secretary, and under such regulations as the Secretary may pre-
29 scribe.

30 **§ 1037.02. Camps for military instruction**

31 (a) ASSEMBLING OF FORCES AND DETAILING OF INSTRUCTORS.—The
32 Secretary of the Army or Secretary of the Air Force, within the limits of
33 appropriations that may be available for that purpose, may assemble in
34 camp at such season of the year and for such period as the Secretary of
35 the Army or Secretary of the Air Force may designate, at the field of mili-
36 tary maneuvers, such portions of the military forces of the United States

1 as the Secretary of the Army or Secretary of the Air Force may think best,
 2 to receive military instruction there. The Secretary of the Army or Secretary
 3 of the Air Force may detail instructors from the Regular Army or Regular
 4 Air Force, respectively, for those forces during their exercises.

5 (b) REGULATIONS.—The Secretary of the Army or Secretary of the Air
 6 Force may prescribe regulations governing the assembling of the National
 7 Guard or militia of the States on the maneuvering grounds.

8 **§ 1037.03. Performance of duties of commissions**

9 The duties of commissions in charge of national military parks shall be
 10 performed under the direction of the Secretary.

11 **§ 1037.04. Recovery of land withheld**

12 (a) CIVIL ACTION.—The United States may bring a civil action in the
 13 courts of the United States against a person to whom land lying within a
 14 national military park has been leased that refuses to give up possession of
 15 the land to the United States after the termination of the lease, and after
 16 possession has been demanded for the United States by the park super-
 17 intendent, or against a person retaining possession of land lying within the
 18 boundary of a national military park that the person has sold to the United
 19 States for park purposes and received payment therefor, after possession of
 20 the land has been demanded for the United States by the park super-
 21 intendent, to recover possession of the land withheld. The civil action shall
 22 be brought according to the statutes of the State in which the national mili-
 23 tary park is situated.

24 (b) TRESPASS.—A person described in subsection (a) shall be guilty of
 25 trespass.

26 **§ 1037.05. Travel expenses incident to study of battlefields**

27 Mileage of officers of the Army and actual expenses of civilian employees
 28 traveling on duty in connection with the studies, surveys, and field investiga-
 29 tions of battlefields shall be paid from the appropriations made to meet ex-
 30 penses for those purposes.

31 **§ 1037.06. Studies**

32 (a) STUDY OF BATTLEFIELDS FOR COMMEMORATIVE PURPOSES.—The
 33 Secretary of the Army may have made studies and investigations and, where
 34 necessary, surveys of all battlefields within the continental limits of the
 35 United States on which troops of the United States or of the original 13
 36 colonies have been engaged against a common enemy, with a view to pre-
 37 paring a general plan and such detailed projects as may be required for
 38 properly commemorating such battlefields or other adjacent points of his-
 39 toric and military interest.

40 (b) INCLUSION OF ESTIMATE OF COST OF PROJECTED SURVEYS IN AP-
 41 PROPRIATION ESTIMATES.—The Secretary shall include annually in the De-

1 partment of the Interior appropriation estimates a list of the battlefields for
 2 which surveys or other field investigations are planned for the fiscal year
 3 in question, with the estimated cost of making each survey or other field
 4 investigation.

5 (c) PURCHASE OF REAL ESTATE FOR NATIONAL MILITARY PARK PUR-
 6 POSES.—No real estate shall be purchased for national military park pur-
 7 poses by the Federal Government unless a report on the real estate has been
 8 made by the Secretary through the President to Congress under subsection
 9 (d).

10 (d) REPORT TO CONGRESS.—The Secretary annually shall submit
 11 through the President to Congress a detailed report of progress made under
 12 this subchapter, with recommendations for further operations.

13 **§ 1037.07. Criminal penalties**

14 (a) OFFENSES RELATING TO STRUCTURES AND VEGETATION.—A person
 15 that willfully destroys, mutilates, defaces, injures, or removes any monu-
 16 ment, statue, marker, guidepost, or other structure, or that willfully de-
 17 stroys, cuts, breaks, injures, or removes any tree, shrub, or plant within a
 18 national military park shall be fined under title 18 but not less than \$10
 19 for each monument, statue, marker, guidepost, or other structure, tree,
 20 shrub, or plant destroyed, defaced, injured, cut, or removed, imprisoned for
 21 not less than 15 days nor more than one year, or both.

22 (b) TRESPASSING IN A NATIONAL MILITARY PARK TO HUNT OR
 23 SHOOT.—An individual who trespasses in a national military park to hunt
 24 or shoot, or hunts game of any kind in a national military park with a gun
 25 or dog, or sets a trap or net or other device in a national military park
 26 to hunt or catch game of any kind, shall be fined under title 18, imprisoned
 27 not less than 5 nor more than 30 days, or both.

28 **CHAPTER 1039—MISCELLANEOUS**

Sec.

- 1039.01. National Capital region arts and cultural affairs.
- 1039.02. National Park System Advisory Board.
- 1039.03. National Park Service Advisory Council.
- 1039.04. Protecting the right of individuals to bear arms.
- 1039.05. Limitation on extension or establishment of national parks in Wyoming.
- 1039.06. Donations of land near or adjacent to national forest in North Carolina for System unit purposes.

29 **§ 1039.01. National Capital region arts and cultural affairs**

30 (a) ESTABLISHMENT.—There is under the direction of the Service a pro-
 31 gram to support and enhance artistic and cultural activities in the National
 32 Capital region.

33 (b) GRANT ELIGIBILITY.—

34 (1) ELIGIBLE ORGANIZATIONS.—Eligibility for grants shall be lim-
 35 ited to organizations—

36 (A) that are of demonstrated national significance; and

1 (B) that meet at least 2 of the criteria stated in paragraph (2).

2 (2) CRITERIA.—The criteria referred to in paragraph (1) are the fol-
3 lowing:

4 (A) The organization has an annual operating budget in excess
5 of \$1,000,000.

6 (B) The organization has an annual audience or visitation of at
7 least 200,000 people.

8 (C) The organization has a paid staff of at least 100 individ-
9 uals.

10 (D) The organization is eligible under 2001.02(5) of this title.

11 (3) ORGANIZATIONS NOT ELIGIBLE.—Public or private colleges and
12 universities are not eligible for grants under the program under this
13 section.

14 (e) USE OF GRANTS.—Grants awarded under this section may be used
15 to support general operations and maintenance, security, or special projects.
16 No organization may receive a grant in excess of \$500,000 in a single year.

17 (d) RESPONSIBILITIES OF DIRECTOR.—The Director shall—

18 (1) establish an application process;

19 (2) appoint a review panel of 5 qualified individuals, at least a ma-
20 jority of whom reside in the National Capital region; and

21 (3) develop other program guidelines and definitions as required.

22 (e) FORD'S THEATER AND WOLF TRAP NATIONAL PARK FOR THE PER-
23 FORMING ARTS.—The contractual amounts required for the support of
24 Ford's Theater and Wolf Trap National Park for the Performing Arts shall
25 be available within the amount provided in this section without regard to
26 any other provision of this section.

27 **§ 1039.02. National Park System Advisory Board**

28 (a) DEFINITION.—In this section, the term “Board” means the National
29 Park System Advisory Board established under subsection (b).

30 (b) ESTABLISHMENT AND PURPOSE.—There is a National Park System
31 Advisory Board, whose purpose is to advise the Director on matters relating
32 to the Service, the System, and programs administered by the Service. The
33 Board shall advise the Director on matters submitted to the Board by the
34 Director as well as any other issues identified by the Board.

35 (c) MEMBERSHIP.—

36 (1) APPOINTMENT AND TERM OF OFFICE.—Members of the Board
37 shall be appointed on a staggered term basis by the Secretary for a
38 term not to exceed 4 years and shall serve at the pleasure of the Sec-
39 retary.

40 (2) COMPOSITION.—The Board shall be comprised of no more than
41 12 persons, appointed from among citizens of the United States having

1 a demonstrated commitment to the mission of the Service. Board mem-
2 bers shall be selected to represent various geographic regions, including
3 each of the administrative regions of the Service. At least 6 of the
4 members shall have outstanding expertise in one or more of the fol-
5 lowing fields: history, archaeology, anthropology, historical or landscape
6 architecture, biology, ecology, geology, marine science, or social science.
7 At least 4 of the members shall have outstanding expertise and prior
8 experience in the management of national or State parks or protected
9 areas, or national or cultural resources management. The remaining
10 members shall have outstanding expertise in one or more of the areas
11 described above or in another professional or scientific discipline, such
12 as financial management, recreation use management, land use plan-
13 ning, or business management, important to the mission of the Service.
14 At least one individual shall be a locally elected official from an area
15 adjacent to a park.

16 (3) VACANCY.—Any vacancy in the Board shall not affect its powers,
17 but shall be filled in the same manner in which the original appoint-
18 ment was made.

19 (4) COMPENSATION.—All members of the Board shall be reimbursed
20 for travel and per diem in lieu of subsistence expenses during the per-
21 formance of duties of the Board while away from home or their regular
22 place of business, in accordance with subchapter I of chapter 57 of title
23 5. With the exception of travel and per diem, a member of the Board
24 who otherwise is an officer or employee of the United States Govern-
25 ment shall serve on the Board without additional compensation.

26 (d) DUTIES AND POWERS OF BOARD.—

27 (1) ADOPT RULES.—The Board may adopt such rules as may be nec-
28 essary to establish its procedures and to govern the manner of its oper-
29 ations, organization, and personnel.

30 (2) ADVICE AND RECOMMENDATIONS.—The Board shall advise the
31 Secretary on matters relating to the System, to other related areas,
32 and to the administration of chapter 2001 of this title, including mat-
33 ters submitted to it for consideration by the Secretary, but it shall not
34 be required to provide recommendations as to the suitability or desir-
35 ability of surplus real and related personal property for use as an his-
36 toric monument. The Board shall also provide recommendations on the
37 designation of national historic landmarks and national natural land-
38 marks. The Board is strongly encouraged to consult with the major
39 scholarly and professional organizations in the appropriate disciplines
40 in making the recommendations.

1 (3) ACTIONS ON REQUEST OF DIRECTOR.—On request of the Direc-
2 tor, the Board is authorized to—

3 (A) hold such hearings and sit and act at such times;

4 (B) take such testimony;

5 (C) have such printing and binding done;

6 (D) enter into such contracts and other arrangements;

7 (E) make such expenditures; and

8 (F) take such other actions

9 as the Board may consider advisable.

10 (4) OATHS OR AFFIRMATIONS.—Any member of the Board may ad-
11 minister oaths or affirmations to witnesses appearing before the Board.

12 (5) COMMITTEES AND SUBCOMMITTEES.—The Board may establish
13 committees or subcommittees. The subcommittees or committees shall
14 be chaired by a voting member of the Board.

15 (6) USE OF MAILS.—The Board may use the United States mails in
16 the same manner and under the same conditions as other departments
17 and agencies in the United States.

18 (e) STAFF.—The Secretary may hire 2 full-time staffers to meet the
19 needs of the Board.

20 (f) FEDERAL LAW NOT APPLICABLE TO SERVICE.—Service as a member
21 of the Board shall not be deemed service or employment bringing the indi-
22 vidual within the provisions of any Federal law relating to conflicts of inter-
23 est or otherwise imposing restrictions, requirements, or penalties relating to
24 the employment of individuals, the performance of services, or the payment
25 or receipt of compensation in connection with claims, proceedings, or mat-
26 ters involving the United States. Service as a member or an employee of
27 the Board shall not be deemed service in an appointive or elective position
28 in the Federal Government for purposes of section 8344 of title 5 or com-
29 parable provisions of Federal law.

30 (g) COOPERATION OF FEDERAL AGENCIES.—

31 (1) INFORMATION.—The Board may secure directly from any office,
32 department, agency, establishment, or instrumentality of the Federal
33 Government such information as the Board may require for the pur-
34 pose of this section, and each office, department, agency, establish-
35 ment, or instrumentality shall furnish, to the extent permitted by law,
36 the information, suggestions, estimates, and statistics directly to the
37 Board, on request made by a member of the Board.

38 (2) FACILITIES AND SERVICES.—On request of the Board, the head
39 of any Federal department, agency, or instrumentality may make any
40 of the facilities and services of the department, agency, or instrumen-

1 tality available to the Board, on a nonreimbursable basis, to assist the
2 Board in carrying out its duties under this section.

3 (h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Com-
4 mittee Act (5 U.S.C. App.), with the exception of section 14(b), applies to
5 the Board.

6 (i) TERMINATION.—The Board continues to exist until January 1, 2010.

7 **§ 1039.03. National Park Service Advisory Council**

8 (a) DEFINITIONS.—In this section:

9 (1) BOARD.—The term “Board” means the National Park System
10 Advisory Board established under section 1039.02 of this title.

11 (2) COUNCIL.—The term “Council” means the National Park Serv-
12 ice Advisory Council established under subsection (b).

13 (b) ESTABLISHMENT AND PURPOSE.—There is a National Park Service
14 Advisory Council that shall provide advice and counsel to the Board.

15 (c) MEMBERSHIP.—

16 (1) ELIGIBILITY.—Membership on the Council shall be limited to in-
17 dividuals whose term on the Board has expired. Those individuals may
18 serve as long as they remain active except that not more than 12 mem-
19 bers may serve on the Council at any one time.

20 (2) COMPENSATION.—Members of the Council shall receive no salary
21 but may be paid expenses incidental to travel when engaged in dis-
22 charging their duties as members.

23 (d) VOTING RESTRICTION.—Members of the Council shall not have a vote
24 on the Board.

25 **§ 1039.04. Protecting the right of individuals to bear arms**

26 (a) FINDINGS.—Congress finds the following:

27 (1) The Second Amendment to the Constitution provides that “the
28 right of the people to keep and bear Arms, shall not be infringed”.

29 (2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, pro-
30 vides that “except as otherwise provided in this section and parts 7
31 (special regulations) and 13 (Alaska regulations), the following are pro-
32 hibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon,
33 trap or net (iii) Using a weapon, trap or net”.

34 (3) The regulations described in paragraph (2) prevent individuals
35 complying with Federal and State laws from exercising the Second
36 amendment rights of the individuals while at System units.

37 (4) The existence of different laws relating to the transportation and
38 possession of firearms at different System units entrapped law-abiding
39 gun owners while at System units.

1 (5) Although the Bush administration issued new regulations relat-
 2 ing to the Second Amendment rights of law-abiding citizens in System
 3 units that went into effect on January 9, 2009—

4 (A) on March 19, 2009, the United States District Court for
 5 the District of Columbia granted a preliminary injunction with re-
 6 spect to the implementation and enforcement of the new regula-
 7 tions; and

8 (B) the new regulations—

9 (i) are under review by the Obama administration; and

10 (ii) may be altered.

11 (6) Congress needs to weigh in on the new regulations to ensure that
 12 unelected bureaucrats and judges cannot again override the Second
 13 Amendment rights of law-abiding citizens on 83,600,000 acres of Sys-
 14 tem land.

15 (7) Federal laws should make it clear that the Second amendment
 16 rights of an individual at a System unit should not be infringed.

17 (b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN SYS-
 18 TEM UNITS.—The Secretary shall not promulgate or enforce any regulation
 19 that prohibits an individual from possessing a firearm, including an assem-
 20 bled or functional firearm, in any System unit if—

21 (1) the individual is not otherwise prohibited by law from possessing
 22 the firearm; and

23 (2) the possession of the firearm is in compliance with the law of
 24 the State in which the System Unit is located.

25 **§ 1039.05. Limitation on extension or establishment of na-**
 26 **tional parks in Wyoming**

27 No extension or establishment of national parks in Wyoming may be un-
 28 dertaken except by express authorization of Congress.

29 **§ 1039.06. Donations of land near or adjacent to national for-**
 30 **est in North Carolina for System unit purposes**

31 The Secretary may accept for System unit purposes any land and right-
 32 of-way, including the Grandfather Mountain, near or adjacent to the na-
 33 tional forest in western North Carolina.

34 **DIVISION B—OUTDOOR RECREATION**
 35 **PROGRAMS**

36 **CHAPTER 1051—COORDINATION OF PROGRAMS**

Sec.

1051.01. Definitions.

1051.02. Findings and declaration of policy.

1051.03. Powers and duties of Secretary.

1051.04. Consultations of Secretary with administrative officers; execution of administrative responsibilities in conformity with nationwide plan.

1 **§ 1051.01. Definitions**

2 As used in this chapter:

3 (1) STATE.—The term “State” may, to the extent practicable, in-
4 clude Puerto Rico, the Virgin Islands, Guam, American Samoa, and the
5 Northern Mariana Islands.

6 (2) UNITED STATES.—The term “United States”—

7 (A) shall include the District of Columbia; and

8 (B) may, to the extent practicable, include Puerto Rico, the Vir-
9 gin Islands, Guam, American Samoa, and the Northern Mariana
10 Islands.

11 **§ 1051.02. Findings and declaration of policy**

12 Congress finds and declares it to be desirable that—

13 (1) all American people of present and future generations be assured
14 adequate outdoor recreation resources; and

15 (2) it is desirable for all levels of government and private interests
16 to take prompt and coordinated action to the extent practicable without
17 diminishing or affecting their respective powers and functions to con-
18 serve, develop, and utilize those resources for the benefit and enjoyment
19 of the American people.

20 **§ 1051.03. Powers and duties of Secretary**

21 To carry out this chapter, the Secretary may perform the following func-
22 tions and activities:

23 (1) INVENTORY AND EVALUATION.—The Secretary may prepare and
24 maintain a continuing inventory and evaluation of outdoor recreation
25 needs and resources of the United States.

26 (2) CLASSIFICATION SYSTEM.—The Secretary may prepare a system
27 for classification of outdoor recreation resources to assist in the effec-
28 tive and beneficial use and management of such resources.

29 (3) RECREATION PLAN.—The Secretary may formulate and maintain
30 a comprehensive nationwide outdoor recreation plan, taking into consid-
31 eration the plans of the various Federal agencies, States, and their po-
32 litical subdivisions. The plan shall set forth the needs and demands of
33 the public for outdoor recreation and the current and foreseeable avail-
34 ability in the future of outdoor recreation resources to meet those
35 needs. The plan shall identify critical outdoor recreation problems, rec-
36 ommend solutions, and recommend desirable actions to be taken at
37 each level of government and by private interests. The Secretary shall
38 submit the plan to the President for transmittal to Congress. Revisions
39 of the plan shall be similarly transmitted at succeeding 5-year intervals.
40 When a plan or revision is transmitted to the Congress, the Secretary
41 shall transmit copies to the chief executive officers of the States.

1 (4) TECHNICAL ASSISTANCE AND ADVICE.—The Secretary may pro-
2 vide technical assistance and advice to and cooperate with States, polit-
3 ical subdivisions, and private interests, including nonprofit organiza-
4 tions, with respect to outdoor recreation.

5 (5) INTERSTATE AND REGIONAL COOPERATION.—The Secretary may
6 encourage interstate and regional cooperation in the planning, acquisi-
7 tion, and development of outdoor recreation resources.

8 (6) RESEARCH, INFORMATION, AND EDUCATION PROGRAMS AND AC-
9 TIVITIES.—The Secretary may—

10 (A) sponsor, engage in, and assist in research relating to out-
11 door recreation, directly or by contract or cooperative agreements,
12 and make payments for such purposes without regard to the limi-
13 tations of section 3324(a) and (b) of title 31 concerning advances
14 of funds when the Secretary considers such action to be in the
15 public interest;

16 (B) undertake studies and assemble information concerning out-
17 door recreation, directly or by contract or cooperative agreement,
18 and disseminate the information without regard to section 3204 of
19 title 39; and

20 (C) cooperate with educational institutions and others to assist
21 in establishing education programs and activities and to encourage
22 public use and benefits from outdoor recreation.

23 (7) COOPERATION AND COORDINATION WITH FEDERAL DEPART-
24 MENTS AND AGENCIES.—

25 (A) IN GENERAL.—The Secretary may—

26 (i) cooperate with and provide technical assistance to Fed-
27 eral departments and agencies and obtain from them informa-
28 tion, data, reports, advice, and assistance that are needed and
29 can reasonably be furnished in carrying out the purposes of
30 this chapter; and

31 (ii) promote coordination of Federal plans and activities
32 generally relating to outdoor recreation.

33 (B) FUNDING.—Any department or agency furnishing advice or
34 assistance under this paragraph may expend its own funds for
35 those purposes, with or without reimbursement, as may be agreed
36 to by that department or agency.

37 (8) DONATIONS.—The Secretary may accept and use donations of
38 money, property, personal services, or facilities for the purposes of this
39 chapter.

1 **§ 1051.04. Consultations of Secretary with administrative of-**
 2 **ficers; execution of administrative responsibilities**
 3 **in conformity with nationwide plan**

4 To carry out the policy declared in section 1051.02 of this title, the heads
 5 of Federal departments and independent agencies having administrative re-
 6 sponsibility over activities or resources the conduct or use of which is perti-
 7 nent to fulfillment of that policy shall, individually or as a group—

8 (1) consult with and be consulted by the Secretary from time to time
 9 both with respect to their conduct of those activities and their use of
 10 those resources and with respect to the activities that the Secretary
 11 carries on under authority of this chapter which are pertinent to their
 12 work; and

13 (2) carry out that responsibility in general conformance with the na-
 14 tionwide plan authorized under section 1051.03(3) of this title.

15 **CHAPTER 1053—LAND AND WATER CONSERVATION**
 16 **FUND**

Sec.

- 1053.01. Purposes.
- 1053.02. Definitions.
- 1053.03. Establishment of Land and Water Conservation Fund.
- 1053.04. Appropriations for expenditure of Fund amounts.
- 1053.05. Admission and special recreation use fees.
- 1053.06. Commercial filming.
- 1053.07. Statement of estimated requirements.
- 1053.08. Financial assistance to States.
- 1053.09. Allocation of Fund amounts for Federal purposes.
- 1053.10. Availability of Fund amounts for publicity purposes.
- 1053.11. Contracts for acquisition of land and water.
- 1053.12. Contracts for options to acquire land and water in System.
- 1053.13. Transfers to and from Fund.

17 **§ 1053.01. Purposes**

18 The purposes of this chapter are—

19 (1) to assist in preserving, developing, and ensuring accessibility to
 20 all citizens of the United States of present and future generations and
 21 visitors who are lawfully present within the boundaries of the United
 22 States such quality and quantity of outdoor recreation resources as
 23 may be available and are necessary and desirable for individual active
 24 participation in such recreation; and

25 (2) to strengthen the health and vitality of the citizens of the United
 26 States by—

27 (A) providing funds for and authorizing Federal assistance to
 28 the States in planning, acquisition, and development of needed
 29 land and water areas and facilities; and

30 (B) providing funds for the Federal acquisition and development
 31 of certain land and other areas.

1 **§ 1053.02. Definitions**

2 In this chapter:

3 (1) **FUND.**—The term “Fund” means the Land and Water Con-
4 servation Fund established under section 1053.03 of this title.

5 (2) **STATE.**—The term “State” means a State, the District of Co-
6 lumbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and
7 the Northern Mariana Islands.

8 **§ 1053.03. Establishment of Land and Water Conservation**
9 **Fund**

10 (a) **ESTABLISHMENT.**—There is established in the Treasury the Land
11 and Water Conservation Fund.

12 (b) **DEPOSITS.**—During the period ending September 30, 2015, there
13 shall be deposited in the Fund the following revenues and collections:

14 (1) All proceeds (except so much thereof as may be otherwise obli-
15 gated, credited, or paid under authority of the provisions of law set
16 forth in section 572(a) or 574(a) to (e) of title 40 or under authority
17 of any appropriation Act that appropriates an amount, to be derived
18 from proceeds from the transfer of excess property and the disposal of
19 surplus property, for necessary expenses, not otherwise provided for, in-
20 cident to the utilization and disposal of excess and surplus property)
21 received from any disposal of surplus real property and related personal
22 property under chapter 5 of title 40, notwithstanding any provision of
23 law that such proceeds shall be credited to miscellaneous receipts of the
24 Treasury. Nothing in this chapter shall affect existing laws or regula-
25 tions concerning disposal of real or personal surplus property to
26 schools, hospitals, and States and their political subdivisions.

27 (2) The amounts provided for in section 1053.13 of this title.

28 (c) **AUTHORIZATION OF APPROPRIATIONS.**—

29 (1) **IN GENERAL.**—In addition to the sum of the revenues and collec-
30 tions estimated by the Secretary to be deposited in the Fund pursuant
31 to this section, there are authorized to be appropriated annually to the
32 Fund out of any money in the Treasury not otherwise appropriated
33 such amounts as are necessary to make the income of the Fund not
34 less than \$900,000,000 for each fiscal year through September 30,
35 2015.

36 (2) **RECEIPTS UNDER OUTER CONTINENTAL SHELF LANDS ACT.**—To
37 the extent that amount appropriated under paragraph (1) are not suffi-
38 cient to make the total annual income of the Fund equivalent to the
39 amounts provided in paragraph (1), an amount sufficient to cover the
40 remainder shall be credited to the Fund from revenues due and payable
41 to the United States for deposit in the Treasury as miscellaneous re-

1 receipts under the Outer Continental Shelf Lands Act (43 U.S.C. 1331
2 et seq.).

3 (3) AVAILABILITY OF DEPOSITS.—Notwithstanding section 1053.03
4 of this title, money deposited in the Fund under this subsection shall
5 remain in the Fund until appropriated by Congress to carry out this
6 chapter.

7 **§ 1053.04. Appropriations for expenditure of Fund amounts**

8 Amounts deposited in the Fund shall be available for expenditure for the
9 purposes of this chapter only when appropriated therefor. The appropria-
10 tions may be made without fiscal-year limitation. Amounts made available
11 for obligation or expenditure from the Fund may be obligated or expended
12 only as provided in this chapter.

13 **§ 1053.05. Admission and special recreation use fees**

14 (a) SYSTEM UNITS AT WHICH ENTRANCE FEES OR ADMISSIONS FEES
15 CANNOT BE COLLECTED.—

16 (1) WITHHOLDING OF AMOUNTS.—Notwithstanding section 107 of
17 the Department of the Interior and Related Agencies Appropriations
18 Act, 1998 (Public Law 105–83, 111 Stat. 1561), the Secretary shall
19 withhold from the special account under section 807(a) of the Federal
20 Lands Recreation Enhancement Act (16 U.S.C. 6806(a)) 100 percent
21 of the fees and charges collected in connection with any System unit
22 at which entrance fees or admission fees cannot be collected by reason
23 of deed restrictions.

24 (2) USE OF AMOUNTS.—Amounts withheld under paragraph (1) shall
25 be retained by the Secretary and shall be available, without further ap-
26 propriation, for expenditure by the Secretary for the System unit with
27 respect to which the amounts were collected for the purposes of en-
28 hancing the quality of the visitor experience, protection of resources,
29 repair and maintenance, interpretation, signage, habitat or facility en-
30 hancement, resource preservation, annual operation (including fee col-
31 lection), maintenance, and law enforcement.

32 (b) ALLOCATION OF FUNDS TO SYSTEM UNITS.—

33 (1) ALLOCATION OF FUNDS ON BASIS OF NEED.—Ten percent of the
34 funds made available to the Director under subsection (a) in each fiscal
35 year shall be allocated among System units on the basis of need in a
36 manner to be determined by the Director.

37 (2) ALLOCATION OF FUNDS BASED ON EXPENSES AND BASED ON
38 FEES COLLECTED.—

39 (A) IN GENERAL.—Forty percent of the funds made available
40 to the Director under subsection (a) in each fiscal year shall be
41 allocated among System units in accordance with subparagraph

1 (B) of this subsection and 50 percent shall be allocated in accord-
 2 ance with subparagraph (C).

3 (B) ALLOCATION BASED ON EXPENSES.—The amount allocated
 4 to each System unit under this paragraph for each fiscal year
 5 based on expenses shall be a fraction of the total allocation to all
 6 System units under this paragraph. The fraction for each System
 7 unit shall be determined by dividing the operating expenses at that
 8 System unit during the prior fiscal year by the total operating ex-
 9 penses at all System units during the prior fiscal year.

10 (C) ALLOCATION BASED ON FEES COLLECTED.—The amount
 11 allocated to each System unit under this paragraph for each fiscal
 12 year based on fees collected shall be a fraction of the total alloca-
 13 tion to all System units under this paragraph. The fraction for
 14 each System unit shall be determined by dividing the user fees and
 15 admission fees collected under this section at that System unit
 16 during the prior fiscal year by the total of user fees and admission
 17 fees collected under this section at all System units during the
 18 prior fiscal year.

19 (3) AVAILABILITY OF AMOUNTS.—Amounts allocated under this sub-
 20 section to any System unit for any fiscal year and not expended in that
 21 fiscal year shall remain available for expenditure at that System unit
 22 until expended.

23 (c) SELLING OF PERMITS.—

24 (1) AUTHORITY TO SELL PERMITS.—When authorized by the Sec-
 25 retary, volunteers at System units may sell permits and collect fees au-
 26 thorized or established pursuant to this section. The Secretary shall en-
 27 sure that the volunteers have adequate training regarding—

28 (A) the sale of permits and the collection of fees;

29 (B) the purposes and resources of the System units in which
 30 they are assigned; and

31 (C) the provision of assistance and information to visitors to the
 32 System unit.

33 (2) SURETY BOND REQUIRED.—The Secretary shall require a surety
 34 bond for any such volunteer performing services under this subsection.
 35 Funds available to the Service may be used to cover the cost of the
 36 surety bond. The Secretary may enter into arrangements with qualified
 37 public or private entities pursuant to which the entities may sell (with-
 38 out cost to the United States) annual admission permits (including
 39 Golden Eagle Passports) at any appropriate location. The arrange-
 40 ments shall require each such entity to reimburse the United States for

1 the full amount to be received from the sale of the permits at or before
2 the Secretary delivers the permits to the entity for sale.

3 (d) CHARGE FOR TRANSPORTATION PROVIDED BY SERVICE FOR VIEWING
4 SYSTEM UNITS.—

5 (1) CHARGE WHEN TRANSPORTATION PROVIDED.—Where the Serv-
6 ices provides transportation to view all or a portion of any System unit,
7 the Director may impose a charge for the service in lieu of an admis-
8 sion fee under this section.

9 (2) RETENTION OF CHARGE AND USE OF RETAINED AMOUNT.—Not-
10 withstanding any other provision of law, half of the charges imposed
11 under paragraph (1) shall be retained by the System unit at which the
12 service was provided. The remainder shall be deposited in the same
13 manner as receipts from fees collected pursuant to this section. Fifty
14 percent of the amount retained shall be expended only for maintenance
15 of transportation systems at the System unit where the charge was im-
16 posed. The remaining 50 percent of the retained amount shall be ex-
17 pended only for activities related to resource protection at those System
18 units.

19 (e) ADMISSION FEES.—Where the primary public access to a System unit
20 is provided by a concessioner, the Secretary may charge an admission fee
21 at the System unit only to the extent that the total of the fee charged by
22 the concessioner for access to the System unit and the admission fee does
23 not exceed the maximum amount of the admission fee that could otherwise
24 be imposed.

25 (f) COMMERCIAL TOUR USE FEES.—

26 (1) ESTABLISHMENT.—In the case of each System unit for which an
27 admission fee is charged under this section, the Secretary shall estab-
28 lish a commercial tour use fee to be imposed on each vehicle entering
29 the System unit for the purpose of providing commercial tour services
30 within the System unit.

31 (2) AMOUNT.—The Secretary shall establish the amount of fee per
32 entry as follows:

33 (A) Twenty-five dollars per vehicle with a passenger capacity of
34 25 individual or less.

35 (B) Fifty dollars per vehicle with a passenger capacity of more
36 than 25 individuals.

37 (3) ADJUSTMENTS.—The Secretary may periodically make reason-
38 able adjustments to the commercial tour use fee imposed under this
39 subsection.

40 (4) NONAPPLICABILITY.—The commercial tour use fee imposed
41 under this subsection shall not apply to the following:

1 (A) Any vehicle transporting organized school groups or outings
2 conducted for educational purposes by schools or other bona fide
3 educational institutions.

4 (B) Any vehicle entering a System unit pursuant to a contract
5 issued under subchapter II of chapter 1019 of this title.

6 (5) APPLICABILITY.—This subsection shall apply to aircraft entering
7 the airspace of—

8 (A) Haleakalā Crater, Crater Cabins, the Scientific Research
9 Reserve, Halemauu Trail, Kaupo Gap Trail, or any designated
10 tourist viewpoint in Haleakalā National Park or of Grand Canyon
11 National Park; or

12 (B) any other System unit for the specific purpose of providing
13 commercial tour services if the Secretary determines that the level
14 of the services is equal to or greater than the level at the System
15 units specified in subparagraph (A).

16 **§ 1053.06. Commercial filming**

17 (a) COMMERCIAL FILMING FEE.—

18 (1) IN GENERAL.—The Secretary shall require a permit and shall es-
19 tablish a reasonable fee for commercial filming activities or similar
20 projects on Federal land administered by the Secretary. The fee shall
21 provide a fair return to the United States and shall be based on the
22 following criteria:

23 (A) The number of days the filming activity or similar project
24 takes place on Federal land under the Secretary's jurisdiction.

25 (B) The size of the film crew present on Federal land under the
26 Secretary's jurisdiction.

27 (C) The amount and type of equipment present.

28 (2) OTHER FACTORS TO BE INCLUDED.—The Secretary may include
29 other factors in determining an appropriate fee as the Secretary con-
30 siders necessary.

31 (b) RECOVERY OF COSTS.—The Secretary shall collect any costs incurred
32 as a result of filming activities or similar project, including administrative
33 and personnel costs. All costs recovered shall be in addition to the fee as-
34 sessed in subsection (a).

35 (c) STILL PHOTOGRAPHY.—

36 (1) IN GENERAL.—Except as provided in paragraph (2), the Sec-
37 retary shall not require a permit or assess a fee for still photography
38 on land administered by the Secretary if the photography takes place
39 where members of the public are generally allowed. The Secretary may
40 require a permit, fee, or both, if the photography takes place at other

1 locations where members of the public are generally not allowed, or
2 where additional administrative costs are likely.

3 (2) EXCEPTION.—The Secretary shall require and shall establish a
4 reasonable fee for still photography that uses models or props that are
5 not a part of the site’s natural or cultural resources or administrative
6 facilities.

7 (d) PROTECTION OF RESOURCES.—The Secretary shall not permit any
8 filming, still photography or other related activity if the Secretary deter-
9 mines that—

10 (1) there is a likelihood of resource damage;

11 (2) there would be an unreasonable disruption of the public’s use
12 and enjoyment of the site; or

13 (3) the activity poses health or safety risks to the public.

14 (e) USE OF PROCEEDS.—

15 (1) IN GENERAL.—All fees collected under this section shall be avail-
16 able for expenditure by the Secretary, without further appropriation, in
17 accordance with the formula and purposes established for the Rec-
18 reational Fee Demonstration Program authorized by section 315 of the
19 Department of the Interior and Related Agencies Appropriations Act,
20 1996 (110 Stat. 1321–200). All fees collected shall remain available
21 until expended.

22 (2) AVAILABLE FOR EXPENDITURE WHERE COLLECTED.—All costs
23 recovered under this section shall be available for expenditure by the
24 Secretary, without further appropriation, at the site where collected. All
25 costs recovered shall remain available until expended.

26 (f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall estab-
27 lish a process to ensure that permit applicants for commercial filming, still
28 photography, or other activity are responded to in a timely manner.

29 **§ 1053.07. Statement of estimated requirements**

30 There shall be submitted with the annual budget of the United States a
31 comprehensive statement of estimated requirements during the ensuing fis-
32 cal year for appropriations from the Fund. Not less than 40 percent of such
33 appropriations shall be available for Federal purposes.

34 **§ 1053.08. Financial assistance to States**

35 (a) AUTHORITY OF SECRETARY TO MAKE PAYMENTS.—The Secretary
36 may provide financial assistance to the States from amounts available for
37 State purposes. Payments may be made to the States by the Secretary as
38 provided in this section, subject to such terms and conditions as the Sec-
39 retary considers appropriate and in the public interest to carry out the pur-
40 poses of this chapter, for outdoor recreation:

41 (1) Planning.

1 (2) Acquisition of land, water, or interests in land or water.

2 (3) Development.

3 (b) APPORTIONMENT AMONG STATES.—Amounts appropriated and avail-
4 able for State purposes for each fiscal year shall be apportioned among the
5 States by the Secretary, whose determination shall be final, in accordance
6 with the following formula:

7 (1) Forty percent of the first \$225,000,000; 30 percent of the next
8 \$275,000,000; and 20 percent of all additional appropriations shall be
9 apportioned equally among the States.

10 (2) At any time, the remaining appropriation shall be apportioned
11 on the basis of need to individual States by the Secretary in such
12 amounts as in the Secretary's judgment will best accomplish the pur-
13 poses of this chapter. The determination of need shall include a consid-
14 eration of—

15 (A) the proportion that the population of each State bears to
16 the total population of the United States;

17 (B) of the use of outdoor recreation resources of individual
18 States by persons from outside the State; and

19 (C) the Federal resources and programs in the particular
20 States.

21 (3) The total allocation to an individual State under paragraphs (1)
22 and (2) shall not exceed 10 percent of the total amount allocated to
23 the States in any one year.

24 (4) The Secretary shall notify each State of its apportionments. The
25 amounts shall be available for payment to the State for planning, ac-
26 quisition, or development projects as prescribed. Any amount of any
27 apportionment that has not been paid or obligated by the Secretary
28 during the fiscal year in which the notification is given and for 2 fiscal
29 years thereafter shall be reapportioned by the Secretary in accordance
30 with paragraph (2) without regard to the 10 percent limitation to an
31 individual State specified in this subsection.

32 (5) For the purposes of paragraph (1), the District of Columbia,
33 Puerto Rico, the Virgin Islands, Guam, American Samoa, and the
34 Northern Mariana Islands shall be deemed to be one State, and shall
35 receive shares of the apportionment in proportion to their populations..

36 (c) MATCHING REQUIREMENTS.—Payments to any State shall cover not
37 more than 50 percent of the cost of planning, acquisition, or development
38 projects that are undertaken by the State. The remaining share of the cost
39 shall be borne by the State in a manner and with funds or services as shall
40 be satisfactory to the Secretary.

41 (d) COMPREHENSIVE STATE PLAN.—

1 (1) REQUIRED FOR CONSIDERATION OF FINANCIAL ASSISTANCE.—A
 2 comprehensive statewide outdoor recreation plan shall be required prior
 3 to the consideration by the Secretary of financial assistance for acquisi-
 4 tion or development projects. The plan shall be adequate if, in the judg-
 5 ment of the Secretary, it encompasses and will promote the purposes
 6 of this chapter. No plan shall be approved unless the chief executive
 7 officer of the State certifies that ample opportunity for public partici-
 8 pation in plan development and revision has been accorded. The Sec-
 9 retary shall develop, in consultation with others, criteria for public par-
 10 ticipation, which criteria shall constitute the basis for the certification
 11 by the chief executive officer. The plan shall contain—

12 (A) the name of the State agency that will have authority to
 13 represent and act for the State in dealing with the Secretary for
 14 purposes of this chapter;

15 (B) an evaluation of the demand for and supply of outdoor
 16 recreation resources and facilities in the State;

17 (C) a program for the implementation of the plan; and

18 (D) other necessary information, as determined by the Sec-
 19 retary.

20 (2) FACTORS TO BE CONSIDERED.—The plan shall take into account
 21 relevant Federal resources and programs and shall be correlated so far
 22 as practicable with other State, regional, and local plans. Where there
 23 exists or is in preparation for any particular State a comprehensive
 24 plan financed in part with funds supplied by the Secretary of Housing
 25 and Urban Development, any statewide outdoor recreation plan pre-
 26 pared for purposes of this part shall be based upon the same popu-
 27 lation, growth, and other pertinent factors as are used in formulating
 28 plans financed by the Secretary of Housing and Urban Development.

29 (3) PROVISION OF ASSISTANCE WHEN PLAN NOT OTHERWISE AVAIL-
 30 ABLE OR TO MAINTAIN PLAN.—The Secretary may provide financial as-
 31 sistance to any State for projects for the preparation of a comprehen-
 32 sive statewide outdoor recreation plan when the plan is not otherwise
 33 available or for the maintenance of the plan.

34 (4) WETLANDS.—A comprehensive statewide outdoor recreation plan
 35 shall specifically address wetlands within the State as an important
 36 outdoor recreation resource as a prerequisite to approval, except that
 37 a revised comprehensive statewide outdoor recreation plan shall not be
 38 required by the Secretary, if a State submits, and the Secretary, acting
 39 through the Director, approves, as a part of and as an addendum to
 40 the existing comprehensive statewide outdoor recreation plan, a wet-
 41 lands priority plan developed in consultation with the State agency with

1 responsibility for fish and wildlife resources and consistent with the na-
 2 tional wetlands priority conservation plan developed under section 301
 3 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3921)
 4 or, if the national plan has not been completed, consistent with the pro-
 5 visions of that section.

6 (e) PROJECTS FOR LAND AND WATER ACQUISITION.—

7 (1) IN GENERAL.—In addition to assistance for planning projects,
 8 the Secretary may provide financial assistance to any State for the
 9 types of projects described in paragraphs (2) and (3), or combinations
 10 of those projects, if the projects are in accordance with the State com-
 11 prehensive plan.

12 (2) ACQUISITION OF LAND OR WATER.—

13 (A) IN GENERAL.—Under paragraph (1), the Secretary may
 14 provide financial assistance for a project for the acquisition of
 15 land, water, or an interest in land or water, or a wetland area or
 16 an interest in a wetland area, as identified in the wetlands provi-
 17 sions of the comprehensive plan (other than land, water, or an in-
 18 terest in land or water acquired from the United States for less
 19 than fair market value), but not including incidental costs relating
 20 to acquisition.

21 (B) RETENTION OF RIGHT OF USE AND OCCUPANCY.—When a
 22 State provides that the owner of a single-family residence may, at
 23 the owner's option, elect to retain a right of use and occupancy
 24 for not less than 6 months after the date of acquisition of the resi-
 25 dence and the owner elects to retain such a right—

26 (i) the owner shall be deemed to have waived any benefits
 27 under sections 203 to 206 of the Uniform Relocation Assist-
 28 ance and Real Property Acquisition Policies Act of 1970 (42
 29 U.S.C. 4623 to 4626); and

30 (ii) for the purposes of those sections the owner shall not
 31 be deemed to be a displaced person as defined in section 101
 32 of that Act (42 U.S.C. 4601).

33 (3) DEVELOPMENT OF BASIC OUTDOOR RECREATION FACILITIES.—

34 Under paragraph (1), the Secretary may provide financial assistance
 35 for a project for development of basic outdoor recreation facilities to
 36 serve the general public, including the development of Federal land
 37 under lease to States for terms of 25 years or more. No assistance
 38 shall be available under this chapter to enclose or shelter facilities nor-
 39 mally used for outdoor recreation activities, but the Secretary may per-
 40 mit local funding, and not to exceed 10 percent of the total amount
 41 allocated to a State in any one year, to be used for sheltered facilities

1 for swimming pools and ice skating rinks in areas where the Secretary
 2 determines that the severity of climatic conditions and the increased
 3 public use thereby made possible justifies the construction of the facili-
 4 ties.

5 (f) PAYMENTS.—

6 (1) CRITERIA FOR MAKING PAYMENTS.—The Secretary may make a
 7 payment to a State only for a planning, acquisition, or development
 8 project that is approved by the Secretary. The Secretary shall not make
 9 a payment for or on account of any project with respect to which finan-
 10 cial assistance has been given or promised under any other Federal
 11 program or activity, and no financial assistance shall be given under
 12 any other Federal program or activity for or on account of any project
 13 with respect to which the assistance has been given or promised under
 14 this chapter. The Secretary may make payments from time to time in
 15 keeping with the rate of progress toward the satisfactory completion of
 16 a project. The approval of all projects and all payments, or any com-
 17 mitments relating thereto, shall be withheld until the Secretary receives
 18 appropriate written assurance from the State that the State has the
 19 ability and intention to finance its share of the cost of all of the
 20 projects, and to operate and maintain by acceptable standards, at State
 21 expense, the properties or facilities acquired or developed for public
 22 outdoor recreation use.

23 (2) PAYMENT RECIPIENTS.—Payments for all projects shall be made
 24 by the Secretary to the chief executive officer of the State or to a State
 25 official or agency designated by the chief executive officer or by State
 26 law having authority and responsibility to accept and to administer
 27 funds paid under this section for approved projects. If consistent with
 28 an approved project, funds may be transferred by the State to a polit-
 29 ical subdivision or other appropriate public agency.

30 (g) CONVERSION TO OTHER THAN PUBLIC OUTDOOR RECREATION
 31 USE.—No property acquired or developed with assistance under this section
 32 shall, without the approval of the Secretary, be converted to other than pub-
 33 lic outdoor recreation use. The Secretary shall approve a conversion only if
 34 the Secretary finds it to be in accordance with the then-existing compre-
 35 hensive statewide outdoor recreation plan and only on such conditions as the
 36 Secretary considers necessary to ensure the substitution of other recreation
 37 properties of at least equal fair market value and of reasonably equivalent
 38 usefulness and location. Wetland areas and interests therein as identified in
 39 the wetlands provisions of the comprehensive plan and proposed to be ac-
 40 quired as suitable replacement property within the same State that is other-
 41 wise acceptable to the Secretary, acting through the Director, shall be

1 deemed to be of reasonably equivalent usefulness with the property proposed
2 for conversion.

3 (h) REPORTS AND ACCOUNTING PROCEDURES.—No payment shall be
4 made to any State until the State has agreed to—

5 (1) provide such reports to the Secretary in such form and con-
6 taining such information as may be reasonably necessary to enable the
7 Secretary to perform the Secretary's duties under this chapter; and

8 (2) provide such fiscal control and fund accounting procedures as
9 may be necessary to ensure proper disbursement and accounting for
10 Federal funds paid to the State under this chapter.

11 (i) RECORDS.—A recipient of assistance under this chapter shall keep
12 such records as the Secretary shall prescribe, including records that fully
13 disclose—

14 (1) the amount and the disposition by the recipient of the proceeds
15 of the assistance;

16 (2) the total cost of the project or undertaking in connection with
17 which the assistance is given or used; and

18 (3) the amount and nature of that portion of the cost of the project
19 or undertaking supplied by other sources, and such other records as
20 will facilitate an effective audit.

21 (j) ACCESS TO RECORDS.—The Secretary, and the Comptroller General,
22 or any of their duly authorized representatives, shall have access for the
23 purpose of audit and examination to any records of the recipient that are
24 pertinent to assistance received under this chapter.

25 (k) PROHIBITION OF DISCRIMINATION.—With respect to property ac-
26 quired or developed with assistance from the Fund, discrimination on the
27 basis of residence, including preferential reservation or membership systems,
28 is prohibited except to the extent that reasonable differences in admission
29 and other fees may be maintained on the basis of residence.

30 (l) COORDINATION WITH FEDERAL AGENCIES.—To ensure consistency in
31 policies and actions under this chapter with other related Federal programs
32 and activities and to ensure coordination of the planning, acquisition, and
33 development assistance to States under this section with other related Fed-
34 eral programs and activities—

35 (1) the President may issue such regulations with respect thereto as
36 the President considers desirable; and

37 (2) the assistance may be provided only in accordance with the regu-
38 lations.

39 (m) CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE
40 CRIME.—

1 (1) AVAILABILITY AND PURPOSE OF FUNDS.—In addition to assist-
 2 ance for planning projects, and in addition to the projects identified in
 3 subsection (e), and from amounts appropriated out of the Violent
 4 Crime Reduction Trust Fund, the Secretary may provide financial as-
 5 sistance to the States, not to exceed \$15,000,000, for projects or com-
 6 binations thereof for the purpose of making capital improvements and
 7 other measures to increase safety in urban parks and recreation areas,
 8 including funds to—

9 (A) increase lighting within or adjacent to public parks and
 10 recreation areas;

11 (B) provide emergency telephone lines to contact law enforce-
 12 ment or security personnel in areas within or adjacent to public
 13 parks and recreation areas;

14 (C) increase security personnel within or adjacent to public
 15 parks and recreation areas; and

16 (D) fund any other project intended to increase the security and
 17 safety of public parks and recreation areas.

18 (2) ELIGIBILITY.—In addition to the requirements for project ap-
 19 proval imposed by this section, eligibility for assistance under this sub-
 20 section shall depend on a showing of need. In providing funds under
 21 this subsection, the Secretary shall give priority to projects proposed
 22 for urban parks and recreation areas with the highest rates of crime
 23 and, in particular, to urban parks and recreation areas with the highest
 24 rates of sexual assault.

25 (3) FEDERAL SHARE.—Notwithstanding subsection (e), the Sec-
 26 retary may provide 70 percent improvement grants for projects under-
 27 taken by a State for the purposes described in this subsection.

28 **§ 1053.09. Allocation of Fund amounts for Federal purposes**

29 (a) ALLOWABLE PURPOSES AND SUBPURPOSES.—

30 (1) IN GENERAL.—Amounts appropriated from the Fund for Federal
 31 purposes shall, unless otherwise allotted in the appropriation Act mak-
 32 ing them available, be allotted by the President for the purposes and
 33 subpurposes stated in this subsection.

34 (2) ACQUISITION OF LAND, WATER, OR AN INTEREST IN LAND OR
 35 WATER.—

36 (A) SYSTEM UNITS AND RECREATION AREAS ADMINISTERED
 37 FOR RECREATION PURPOSES.—Amounts shall be allotted for the
 38 acquisition of land, water, or an interest in land or water within
 39 the exterior boundary of—

40 (i) a System unit authorized or established; and

1 (ii) an area authorized to be administered by the Secretary
2 for outdoor recreation purposes.

3 (B) NATIONAL FOREST SYSTEM.—

4 (i) IN GENERAL.—Amounts shall be allotted for the acqui-
5 sition of land, water, or an interest in land or water within
6 inholdings within—

7 (I) wilderness areas of the National Forest System;
8 and

9 (II) other areas of national forests as the boundaries
10 of those forests existed on January 1, 1965, or purchase
11 units approved by the National Forest Reservation Com-
12 mission subsequent to January 1, 1965, all of which
13 other areas are primarily of value for outdoor recreation
14 purposes.

15 (ii) ADJACENT LAND.—Land outside but adjacent to an ex-
16 isting national forest boundary, not to exceed 3,000 acres in
17 the case of any one forest, that would comprise an integral
18 part of a forest recreational management area may also be
19 acquired with amounts appropriated from the Fund.

20 (iii) LIMITATION.—Except for areas specifically authorized
21 by Act of Congress, not more than 15 percent of the acreage
22 added to the National Forest System pursuant to this section
23 shall be west of the 100th meridian.

24 (C) ENDANGERED SPECIES AND THREATENED SPECIES; FISH
25 AND WILDLIFE REFUGE AREAS; NATIONAL WILDLIFE REFUGE SYS-
26 TEM.—Amounts shall be allotted for the acquisition of land, water,
27 or an interest in land or water for—

28 (i) endangered species and threatened species authorized
29 under section 5(a) of the Endangered Species Act of 1973
30 (16 U.S.C. 1534(a));

31 (ii) areas authorized by section 2 of the Refuge Recreation
32 Act (16 U.S.C. 460k-1);

33 (iii) national wildlife refuge areas under section 7(a)(4) of
34 the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(a)(4)) and
35 wetlands acquired under section 304 of the Emergency Wet-
36 lands Resources Act of 1986 (16 U.S.C. 3922); and

37 (iv) any area authorized for the National Wildlife Refuge
38 System by specific Acts.

39 (3) PAYMENT AS OFFSET OF CAPITAL COSTS.—Amounts shall be al-
40 lotted for payment into miscellaneous receipts of the Treasury as a par-
41 tial offset for capital costs, if any, of Federal water development

1 projects authorized to be constructed by or pursuant to an Act of Con-
2 gress that are allocated to public recreation and the enhancement of
3 fish and wildlife values and financed through appropriations to water
4 resource agencies.

5 (4) AVAILABILITY OF APPROPRIATIONS.—Appropriations allotted for
6 the acquisition of land, water, or an interest in land or water as set
7 forth under subparagraphs (A) and (B) of paragraph (2) shall be avail-
8 able for those acquisitions notwithstanding any statutory ceiling on the
9 appropriations contained in any other provision of law enacted prior to
10 January 4, 1977, or, in the case of national recreation areas, prior to
11 January 15, 1979, except that for any such area expenditures shall not
12 exceed a statutory ceiling during any one fiscal year by 10 percent of
13 the ceiling or \$1,000,000, whichever is greater.

14 (b) ACQUISITION RESTRICTIONS.—Appropriations from the Fund pursu-
15 ant to this section shall not be used for acquisition unless the acquisition
16 is otherwise authorized by law. Appropriations from the Fund may be used
17 for preacquisition work where authorization is imminent and where substan-
18 tial monetary savings could be realized.

19 (c) BOUNDARY CHANGES IN SYSTEM UNITS.—

20 (1) IN GENERAL.—When the Secretary determines that to do so will
21 contribute to, and is necessary for, the proper preservation, protection,
22 interpretation, or management of a System unit, the Secretary may,
23 following timely notice in writing to the Committee on Natural Re-
24 sources of the House of Representatives and the Committee on Energy
25 and Natural Resources of the Senate of the Secretary's intention to do
26 so, and by publication of a revised boundary map or other description
27 in the Federal Register—

28 (A) make minor revisions of the boundary of the System unit,
29 and amounts appropriated from the Fund shall be available for ac-
30 quisition of any land, water, and interests in land or water added
31 to the System unit by the boundary revision subject to such statu-
32 tory limitations, if any, on methods of acquisition and appropria-
33 tions thereof as may be specifically applicable to the System unit;
34 and

35 (B) acquire by donation, purchase with donated funds, transfer
36 from any other Federal agency, or exchange, land, water, or inter-
37 ests in land or water adjacent to the System unit, except that in
38 exercising the Secretary's authority under this subparagraph the
39 Secretary—

40 (i) shall not alienate property administered as part of the
41 System to acquire land by exchange;

1 (ii) shall not acquire property without the consent of the
2 owner; and

3 (iii) may acquire property owned by a State or political
4 subdivision of a State only by donation.

5 (2) CONSULTATION.—Prior to making a determination under this
6 subsection, the Secretary shall consult with the governing body of the
7 county, city, town, or other jurisdiction or jurisdictions having primary
8 taxing authority over the land or interest to be acquired as to the im-
9 pacts of the proposed action.

10 (3) ACTION TO ADVANCE LOCAL PUBLIC AWARENESS.—The Sec-
11 retary shall take such steps as the Secretary considers appropriate to
12 advance local public awareness of the proposed action.

13 (4) ADMINISTRATION OF ACQUISITIONS.—Land, water, and interests
14 in land or water acquired in accordance with this subsection shall be
15 administered as part of the System unit to which they are added, sub-
16 ject to the laws and regulations applicable thereto.

17 (5) WHEN AUTHORITY APPLIES.—For the purposes of paragraph
18 (1)(A), in all cases except the case of technical boundary revisions (re-
19 sulting from such causes as survey error or changed road alignments),
20 the authority of the Secretary under paragraph (1)(A) shall apply only
21 if each of the following conditions is met:

22 (A) The sum of the total acreage of the land, water, and inter-
23 ests in land or water to be added to the System unit and the total
24 acreage of the land, water, and interests in land or water to be
25 deleted from the System unit is not more than 5 percent of the
26 total Federal acreage authorized to be included in the System unit
27 and is less than 200 acres.

28 (B) The acquisition, if any, is not a major Federal action sig-
29 nificantly affecting the quality of the human environment, as de-
30 termined by the Secretary.

31 (C) The sum of the total appraised value of the land, water, and
32 interests in land or water to be added to the System unit and the
33 total appraised value of the land, water, and interests in land or
34 water to be deleted from the System unit does not exceed
35 \$750,000.

36 (D) The proposed boundary revision is not an element of a more
37 comprehensive boundary modification proposal.

38 (E) The proposed boundary has been subject to a public review
39 and comment period.

40 (F) The Director obtains written consent for the boundary
41 modification from all property owners whose land, water, or inter-

1 ests in land or water, or a portion of whose land, water, or inter-
2 ests in land or water, will be added to or deleted from the System
3 unit by the boundary modification.

4 (G) The land abuts other Federal land administered by the Di-
5 rector.

6 (6) ACT OF CONGRESS REQUIRED.—Minor boundary revisions involv-
7 ing only deletions of acreage owned by the Federal Government and ad-
8 ministered by the Service may be made only by Act of Congress.

9 **§ 1053.10. Availability of Fund amounts for publicity pur-
10 poses**

11 (a) IN GENERAL.—Amounts derived from the sources listed in section
12 1053.03 of this title shall not be available for publicity purposes.

13 (b) EXCEPTION FOR TEMPORARY SIGNING.—In each case where signifi-
14 cant acquisition or development is initiated, appropriate standardized tem-
15 porary signing shall be located on or near the affected site, to the extent
16 feasible, so as to indicate the action taken is a product of funding made
17 available through the Fund. The signing may indicate the percentage
18 amounts and dollar amounts financed by Federal and non-Federal funds,
19 and that the source of the funding includes amounts derived from Outer
20 Continental Shelf receipts. The Secretary shall prescribe standards and
21 guidelines for the usage of the signing to ensure consistency of design and
22 application.

23 **§ 1053.11. Contracts for acquisition of land and water**

24 Not to exceed \$30,000,000 of the amount authorized to be appropriated
25 from the Fund by section 1053.04 of this title may be obligated by contract
26 during each fiscal year for the acquisition of land, water, or interest in land
27 or water within areas specified in section 1053.09(a)(2) of this title. The
28 contract may be executed by the head of the department concerned, within
29 limitations prescribed by the Secretary. The contract shall be deemed a con-
30 tractual obligation of the United States and shall be liquidated with money
31 appropriated from the fund specifically for liquidation of that contract obli-
32 gation. No contract may be entered into for the acquisition of property pur-
33 suant to this section unless the acquisition is otherwise authorized by Fed-
34 eral law.

35 **§ 1053.12. Contracts for options to acquire land and water in
36 System**

37 The Secretary may enter into contracts for options to acquire land, water,
38 or interests in land or water within the exterior boundaries of any area the
39 acquisition of which is authorized by law for inclusion in the System. The
40 minimum period of any such option shall be 2 years, and any sums ex-
41 pended for the purchase thereof shall be credited to the purchase price of

1 the area. Not to exceed \$500,000 of the sum authorized to be appropriated
 2 from the Fund by section 1053.04 of this title may be expended by the Sec-
 3 retary in any one fiscal year for the options.

4 **§ 1053.13. Transfers to and from Fund**

5 (a) MOTORBOAT FUEL TAXES.—There shall be set aside in the Fund the
 6 amounts specified in section 9503(c)(3)(B) of the Internal Revenue Code of
 7 1986 (26 U.S.C. 9503(c)(3)(B)).

8 (b) REFUNDS OF TAXES.—There shall be paid from time to time from
 9 the Fund into the general fund of the Treasury amounts estimated by the
 10 Secretary of the Treasury as equivalent to—

11 (1) the amounts paid before October 1, 2012, under section 6421 of
 12 the Internal Revenue Code of 1986 (26 U.S.C. 6421) with respect to
 13 gasoline used after December 31, 1964, in motorboats, on the basis of
 14 claims filed for periods ending before October 1, 2011; and

15 (2) 80 percent of the floor stocks refunds made before October 1,
 16 2012, under section 6412(a)(1) of the Internal Revenue Code of 1986
 17 (26 U.S.C. 6412(a)(1)) with respect to gasoline to be used in motor-
 18 boats.

19 **CHAPTER 1055—URBAN PARK AND RECREATION**
 20 **RECOVERY PROGRAM**

Sec.

- 1055.01. Findings.
- 1055.02. Purposes.
- 1055.03. Definitions.
- 1055.04. Federal assistance grants.
- 1055.05. Rehabilitation and innovation grants.
- 1055.06. Recovery action programs.
- 1055.07. State action.
- 1055.08. Non-Federal share of project costs.
- 1055.09. Conversion of recreation property.
- 1055.10. Coordination of program.
- 1055.11. Recordkeeping.
- 1055.12. Authorization of appropriations.
- 1055.13. Limitation on use of funds.
- 1055.14. Report.

21 **§ 1055.01. Findings**

22 Congress finds that—

23 (1) the quality of life in urban areas is closely related to the avail-
 24 ability of fully functional park and recreation systems including land,
 25 facilities, and service programs;

26 (2) residents of cities need close-to-home recreational opportunities
 27 that are adequate to specialized urban demands, with parks and facili-
 28 ties properly located, developed, and well maintained;

29 (3) the greatest recreational deficiencies with respect to land, facili-
 30 ties, and programs are found in many large cities, especially at the
 31 neighborhood level;

1 (4) inadequate financing of urban recreation programs due to fiscal
 2 difficulties in many large cities has led to the deterioration of facilities,
 3 nonavailability of recreation services, and an inability to adapt rec-
 4 reational programs to changing circumstances; and

5 (5) there is no existing Federal assistance program which fully ad-
 6 dresses the needs for physical rehabilitation and revitalization of these
 7 park and recreation systems.

8 **§ 1055.02. Purposes**

9 (a) ESTABLISH PROGRAM.—The purpose of this chapter is to authorize
 10 the Secretary to establish an urban park and recreation recovery program
 11 which would provide Federal grants to economically hard-pressed commu-
 12 nities specifically for the rehabilitation of critically needed recreation areas,
 13 facilities, and development of improved recreation programs. This program
 14 is intended to complement existing Federal programs such as the Land and
 15 Water Conservation Fund and Community Development Grant Programs by
 16 encouraging and stimulating local governments to revitalize their park and
 17 recreation systems and to make long-term commitments to continuing main-
 18 tenance of these systems. Such assistance shall be subject to such terms and
 19 conditions as the Secretary considers appropriate and in the public interest
 20 to carry out the purposes of this chapter.

21 (b) IMPROVE RECREATION FACILITIES AND EXPAND RECREATION SERV-
 22 ICES.—It is further the purpose of this chapter to improve recreation facili-
 23 ties and expand recreation services in urban areas with a high incidence of
 24 crime and to help deter crime through the expansion of recreation opportu-
 25 nities for at-risk youth.

26 (c) INCREASE SECURITY.—It is the further purpose of this chapter to in-
 27 crease the security of urban parks and to promote collaboration between
 28 local agencies involved in parks and recreation, law enforcement, youth so-
 29 cial services, and juvenile justice system.

30 **§ 1055.03. Definitions**

31 In this chapter:

32 (1) AT-RISK YOUTH RECREATION GRANTS.—The term “at-risk youth
 33 recreation grants” means grants in neighborhoods and communities
 34 with a high prevalence of crime, particularly violent crime or crime
 35 committed by youthful offenders and include—

36 (A) rehabilitation grants,

37 (B) innovation grants, or

38 (C) matching grants for continuing program support for pro-
 39 grams of demonstrated value or success in providing constructive
 40 alternatives to youth at risk for engaging in criminal behavior, in-

1 cluding grants for operating, or coordinating recreation programs
2 and services.

3 (2) GENERAL PURPOSE LOCAL GOVERNMENT.—The term “general
4 purpose local government” means any city, county, town, township,
5 parish, village, or other general purpose political subdivision of a State,
6 including the District of Columbia, and insular areas.

7 (3) INNOVATION GRANTS.—The term “innovation grants” means
8 matching grants to local governments to cover costs of personnel, facili-
9 ties, equipment, supplies, or services designed to demonstrate innova-
10 tive and cost-effective ways to augment park and recreation opportuni-
11 ties at the neighborhood level and to address common problems related
12 to facility operations and improved delivery of recreation service, and
13 which shall exclude routine operation and maintenance activities.

14 (4) INSULAR AREAS.—The term “insular areas” means Guam, the
15 Virgin Islands, American Samoa, and the Northern Mariana Islands.

16 (5) MAINTENANCE.—The term “maintenance” means all commonly
17 accepted practices necessary to keep recreation areas and facilities op-
18 erating in a state of good repair and to protect them from deterioration
19 resulting from normal wear and tear.

20 (6) PRIVATE, NONPROFIT AGENCY.—The term “private, nonprofit
21 agency” means a community-based, non-profit organization, corpora-
22 tion, or association organized for purposes of providing recreational,
23 conservation, and educational services directly to urban residents on ei-
24 ther a neighborhood or communitywide basis through voluntary dona-
25 tions, voluntary labor, or public or private grants.

26 (7) RECOVERY ACTION PROGRAM GRANTS.—The term “recovery ac-
27 tion program grants” means matching grants to local governments for
28 development of local park and recreation recovery action programs to
29 meet the requirements of this chapter. Such grants will be for resource
30 and needs assessment, coordination, citizen involvement and planning,
31 and program development activities to encourage public definition of
32 goals, and develop priorities and strategies for overall recreation system
33 recovery.

34 (8) RECREATIONAL AREAS AND FACILITIES.—The term “recreational
35 areas and facilities” means indoor or outdoor parks, buildings, sites,
36 or other facilities which are dedicated to recreation purposes and ad-
37 ministered by public or private nonprofit agencies to serve the recre-
38 ation needs of community residents. Emphasis shall be on public facili-
39 ties readily accessible to residential neighborhoods, including multiple-
40 use community centers which have recreation as one of their primary
41 purposes, but excluding major sports arenas, exhibition areas, and con-

1 ference halls used primarily for commercial sports, spectator, or display
2 activities.

3 (9) REHABILITATION GRANTS.—The term “rehabilitation grants”
4 means matching capital grants to local governments for—

5 (A) rebuilding, remodeling, expanding, or developing existing
6 outdoor or indoor recreation areas and facilities, including im-
7 provements in park landscapes, buildings, and support facilities,
8 but excluding routine maintenance and upkeep activities; and

9 (B) lighting, emergency phones or other capital improvements
10 that will improve the security of urban parks.

11 (10) SPECIAL PURPOSE LOCAL GOVERNMENT.—The term “special
12 purpose local government” means any local or regional special district,
13 public-purpose corporation or other limited political subdivision of a
14 State, including but not limited to park authorities; park, conservation,
15 water or sanitary districts; and school districts;

16 (11) STATE.—The term “State” means any State of the United
17 States or any instrumentality of a State approved by the Governor,
18 Puerto Rico, and insular areas.

19 **§ 1055.04. Federal assistance grants**

20 (a) ELIGIBLE GENERAL PURPOSE LOCAL GOVERNMENTS.—In addition
21 to eligible local governments established in accordance with section 1005(a)
22 of the Urban Park and Recreation Recovery Act of 1978 (Public Law 95–
23 625, 92 Stat. 3540), the Secretary may establish eligibility, in accord with
24 the findings and purpose of this chapter, of other general purpose local gov-
25 ernments in standard metropolitan statistical areas as defined by the cen-
26 sus.

27 (b) PRIORITY CRITERIA FOR PROJECT SELECTION AND APPROVAL.—

28 (1) IN GENERAL.—The Secretary shall establish priority criteria for
29 project selection and approval that consider such factors as—

30 (A) population;

31 (B) condition of existing recreation areas and facilities;

32 (C) demonstrated deficiencies in access to neighborhood recre-
33 ation opportunities, particularly for minority, and low- and mod-
34 erate-income residents;

35 (D) public participation in determining rehabilitation or develop-
36 ment needs;

37 (E) the extent to which a project supports or complements tar-
38 get activities undertaken as part of a local government’s overall
39 community development and urban revitalization program;

40 (F) the extent to which a proposed project would provide em-
41 ployment opportunities for minorities, youth, and low- and mod-

1 erate-income residents in the project neighborhood and/or would
 2 provide for participation of neighborhood, nonprofit or tenant or-
 3 ganizations in the proposed rehabilitation activity or in subsequent
 4 maintenance, staffing, or supervision of recreation areas and facili-
 5 ties; and

6 (G) the amount of State and private support for a project as
 7 evidenced by commitments of non-Federal resources to project
 8 construction or operation.

9 (2) AT-RISK YOUTH RECREATION GRANTS.—For at-risk youth recre-
 10 ation grants, the Secretary shall give a priority to each of the following
 11 criteria:

12 (A) Programs that are targeted to youth who are at the greatest
 13 risk of becoming involved in violence and crime.

14 (B) Programs that teach important values and life skills, includ-
 15 ing teamwork, respect, leadership, and self-esteem.

16 (C) Programs that offer tutoring, remedial education, men-
 17 toring, and counseling in addition to recreation opportunities.

18 (D) Programs that offer services during late night or other non-
 19 school hours.

20 (E) Programs that demonstrate collaboration between local park
 21 and recreation, juvenile justice, law enforcement, and youth social
 22 service agencies and nongovernmental entities, including the pri-
 23 vate sector and community and nonprofit organizations.

24 (F) Programs that leverage public or private recreation invest-
 25 ments in the form of services, materials, or cash.

26 (G) Programs that show the greatest potential of being contin-
 27 ued with non-Federal funds or which can serve as models for other
 28 communities.

29 (c) LIMITATION OF FUNDS.—Grants to discretionary applicants under
 30 subsection (a) may not be more than 15 percent of the total amount of
 31 funds appropriated under this chapter for rehabilitation, innovation, and re-
 32 covery action program grants.

33 **§ 1055.05. Rehabilitation and innovation grants**

34 (a) MATCHING GRANTS.—The Secretary may provide 70 percent match-
 35 ing rehabilitation and innovative grants directly to eligible general purpose
 36 local governments on the Secretary's approval of applications for those
 37 grants by the chief executives of those governments.

38 (b) SPECIAL CONSIDERATIONS.—Innovation grants should be closely tied
 39 to goals, priorities, and implementation strategies expressed in local park
 40 and recreation recovery action programs, with particular regard to the spe-
 41 cial considerations listed in section 1055.06(c)(2) of this title.

1 (c) TRANSFER.—At the discretion of the applicants, and if consistent
 2 with an approved application, rehabilitation and innovation grants may be
 3 transferred in whole or in part to independent special purpose local govern-
 4 ments, private nonprofit agencies or county or regional park authorities pro-
 5 vided that assisted recreation areas and facilities owned or managed by the
 6 transferree offer recreation opportunities to the general population within
 7 the jurisdictional boundaries of an eligible applicant.

8 (d) PAYMENTS.—Payments may be made only for rehabilitation or innova-
 9 tive projects that have been approved by the Secretary. Payments may be
 10 made from time to time in keeping with the rate of progress toward the
 11 satisfactory completion of a project, except that the Secretary, when appro-
 12 priate, may make advance payments on approved rehabilitation and innova-
 13 tive projects in an amount not to exceed 20 percent of the total project cost.

14 (e) MODIFICATION OF PROJECT.—The Secretary may authorize modifica-
 15 tion of an approved project only when a grantee has adequately demon-
 16 strated that the modification is necessary because of circumstances not
 17 foreseeable at the time a project was proposed.

18 **§ 1055.06. Recovery action programs**

19 (a) EVIDENCE OF LOCAL COMMITMENT TO ONGOING PROGRAMS.—As a
 20 requirement for project approval, local governments applying for assistance
 21 under this chapter shall submit to the Secretary evidence of their commit-
 22 ments to ongoing planning, rehabilitation, service, operation, and mainte-
 23 nance programs for their park and recreation systems. These commitments
 24 will be expressed in local park and recreation recovery action programs that
 25 maximize coordination of all community resources, including other federally
 26 supported urban development and recreation programs. During an initial in-
 27 terim period to be established by regulations under this chapter, this re-
 28 quirement may be satisfied by local government submissions of preliminary
 29 action programs that briefly define objectives, priorities, and implementation
 30 strategies for overall system recovery and maintenance and commit the ap-
 31 plicant to a scheduled program development process. Following this interim
 32 period, all local applicants shall submit to the Secretary, as a condition of
 33 eligibility, a 5-year action program for park and recreation recovery that
 34 satisfactorily demonstrates—

35 (1) systematic identification of recovery objectives, priorities, and im-
 36 plementation strategies;

37 (2) adequate planning for rehabilitation of specific recreation areas
 38 and facilities, including projections of the cost of proposed projects;

39 (3) the capacity and commitment to ensure that facilities provided
 40 or improved under this chapter shall continue to be adequately main-
 41 tained, protected, staffed, and supervised;

1 (4) the intention to maintain total local public outlays for park and
2 recreation purposes at levels at least equal to those in the year pre-
3 ceding that in which grant assistance is sought except in any case
4 where a reduction in park and recreation outlays is proportionate to
5 a reduction in overall spending by the applicant; and

6 (5) the relationship of the park and recreation recovery program to
7 overall community development and urban revitalization efforts.

8 (b) CONTINUING PLANNING PROCESS.—Where appropriate, the Secretary
9 may encourage local governments to meet action program requirements
10 through a continuing planning process that includes periodic improvements
11 and updates in action program submissions to eliminate identified gaps in
12 program information and policy development.

13 (c) SPECIAL CONSIDERATIONS.—Action programs shall address, but are
14 not limited to—

15 (1) rehabilitation of existing recreational sites and facilities, includ-
16 ing—

17 (A) general systemwide renovation;

18 (B) special rehabilitation requirements for recreational sites and
19 facilities in areas of high population concentration and economic
20 distress; and

21 (C) restoration of outstanding or unique structures, land-
22 scaping, or similar features in parks of historical or architectural
23 significance; and

24 (2) local commitments to innovative and cost-effective programs and
25 projects at the neighborhood level to augment recovery of park and
26 recreation systems, including—

27 (A) recycling of abandoned schools and other public buildings
28 for recreational purposes;

29 (B) multiple use of operating educational and other public
30 buildings, purchase of recreation services on a contractual basis;

31 (C) use of mobile facilities and recreational, cultural, and edu-
32 cational programs or other innovative approaches to improving ac-
33 cess for neighborhood residents;

34 (D) integration of recovery program with federally assisted
35 projects to maximize recreational opportunities through conversion
36 of abandoned railroad and highway rights of way, waterfront, and
37 other redevelopment efforts and such other federally assisted
38 projects as may be appropriate;

39 (E) conversion of recreation use of street space, derelict land,
40 and other public land not now designated for neighborhood rec-
41 reational use; and

1 (F) use of various forms of compensated and uncompensated
 2 land regulation, tax inducements, or other means to encourage the
 3 private sector to provide neighborhood park and recreation facili-
 4 ties and programs.

5 (d) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall establish
 6 and publish in the Federal Register requirements for preparation, submis-
 7 sion, and updating of local park and recreation recovery action programs.

8 (e) ELIGIBILITY FOR AT-RISK YOUTH RECREATION GRANTS.—To be eli-
 9 gible to receive at-risk youth recreation grants a local government shall
 10 amend its 5-year action program to incorporate the goal of reducing crime
 11 and juvenile delinquency and to provide a description of the implementation
 12 strategies to achieve this goal. The plan shall also address how the local
 13 government is coordinating its recreation programs with crime prevention
 14 efforts of law enforcement, juvenile corrections, and youth social service
 15 agencies.

16 (f) MATCHING GRANTS.—The Secretary may provide up to 50 percent
 17 matching grants to eligible local applicants for program development and
 18 planning specifically to meet the objectives of this chapter.

19 **§ 1055.07. State action**

20 (a) ADDITIONAL MATCH.—The Secretary may increase Federal imple-
 21 mentation grants authorized in section 1055.05 of this title by providing an
 22 additional match equal to the total match provided by a State of up to 15
 23 percent of total project costs. In no event may the Federal matching amount
 24 exceed 85 percent of total project cost.

25 (b) ADEQUATE IMPLEMENTATION OF LOCAL RECOVERY PLANS.—The
 26 Secretary shall encourage States to assist the Secretary in ensuring that
 27 local recovery plans and programs are adequately implemented by cooper-
 28 ating with the Department of the Interior in monitoring local park and
 29 recreation recovery plans and programs and in ensuring consistency of the
 30 plans and programs, where appropriate, with State recreation policies as set
 31 forth in statewide comprehensive outdoor recreation plans.

32 **§ 1055.08. Non-Federal share of project costs**

33 (a) SOURCES.—

34 (1) ALLOWABLE SOURCES.—The non-Federal share of project costs
 35 assisted under this chapter may be derived from general or special pur-
 36 pose State or local revenues, State categorical grants, special appro-
 37 priations by State legislatures, donations of land, buildings, or building
 38 materials, and in-kind construction, technical, and planning services.
 39 Reasonable local costs of action program development to meet the re-
 40 quirements of section 1055.06(a) of this title may be used as part of
 41 the local match only when local applicants have not received program

1 development grants under the authority of section 1055.06(f) of this
2 title.

3 (2) NON-ALLOWABLE SOURCES.—No amounts from the Land and
4 Water Conservation Fund established under section 1053.03 of this
5 title or from any other Federal grant program other than the commu-
6 nity development block grant programs shall be used to match Federal
7 grants under this program.

8 (b) ENCOURAGEMENT OF STATES AND PRIVATE INTERESTS.—The Sec-
9 retary shall encourage States and private interests to contribute, to the
10 maximum extent possible, to the non-Federal share of project costs.

11 **§ 1055.09. Conversion of recreation property**

12 No property improved or developed with assistance under this chapter
13 shall, without the approval of the Secretary, be converted to other than pub-
14 lic recreation uses. The Secretary shall approve such conversion only if the
15 Secretary finds it to be in accord with the current local park and recreation
16 recovery action program and only on such conditions as the Secretary con-
17 sidered necessary to ensure the provision of adequate recreation properties
18 and opportunities of reasonably equivalent location and usefulness.

19 **§ 1055.10. Coordination of program**

20 The Secretary shall—

21 (1) coordinate the urban park and recreation recovery program with
22 the total urban recovery effort and cooperate to the fullest extent pos-
23 sible with other Federal departments and agencies and with State
24 agencies that administer programs and policies affecting urban areas,
25 including programs in housing, urban development, natural resources
26 management, employment, transportation, community services, and vol-
27 untary action;

28 (2) encourage maximum coordination of the program between appro-
29 priate State agencies and local applicants; and

30 (3) require that local applicants include provisions for participation
31 of community and neighborhood residents and for public-private coordi-
32 nation in recovery planning and project selection.

33 **§ 1055.11. Recordkeeping**

34 Each recipient of assistance under this chapter shall keep such records
35 as the Secretary shall prescribe, including records that fully disclose the
36 amount and disposition of project undertakings in connection with which as-
37 sistance under this chapter is given or used, the amount and nature of that
38 portion of the cost of the project or undertaking supplied by other sources,
39 and such other records as will facilitate an effective audit. The Secretary,
40 and the Comptroller General of the United States, or their duly authorized
41 representatives, shall have access for the purpose of audit and examination

1 to any records of the recipient that are pertinent to assistance received
2 under this chapter.

3 **§ 1055.12. Authorization of appropriations**

4 (a) LIMITATION OF FUNDS.—Grants made under this chapter for projects
5 in any one State shall not be more than 15 percent of the total amount
6 of funds authorized to be appropriated in any fiscal year.

7 (b) INSULAR AREAS.—Amounts authorized for the insular areas are not
8 subject to the matching provisions of this chapter, and may only be subject
9 to such conditions, reports, plans, and agreements, if any, as determined by
10 the Secretary.

11 (c) PROGRAM SUPPORT.—Not more than 25 percent of the amounts
12 made available under this chapter to any local government may be used for
13 program support.

14 **§ 1055.13. Limitation on use of funds**

15 No funds available under this chapter shall be used for the acquisition
16 of land or interests in land.

17 **§ 1055.14. Report**

18 Within 90 days of the expiration of this authority, the Secretary shall re-
19 port to Congress on the overall impact of the urban park and recreation
20 recovery program.

21 **DIVISION C—SYSTEM UNITS AND RELATED**
22 **AREAS**

23 [RESERVED]

24 **Subtitle II—Historic Sites, Buildings,**
25 **Objects, and Antiquities**

26 **DIVISION A—GENERAL PROVISIONS**

27 **CHAPTER 2001—POLICY AND ADMINISTRATIVE**
28 **PROVISIONS**

Sec.

2001.01. Declaration of national policy.

2001.02. Duties of Secretary.

2001.03. Cooperation with governmental and private agencies and individuals.

2001.04. Jurisdiction of States in acquired land.

2001.05. Authorization of appropriations.

29 **§ 2001.01. Declaration of national policy**

30 It is declared that it is a national policy to preserve for public use historic
31 sites, buildings, and objects of national significance for the inspiration and
32 benefit of the people of the United States.

33 **§ 2001.02. Duties of Secretary**

34 The Secretary, through the Service, for the purpose of effectuating the
35 policy expressed in this chapter, shall perform the following duties:

1 (1) The Secretary shall secure, collate, and preserve drawings, plans,
2 photographs, and other data of historic and archaeologic sites, build-
3 ings, and objects.

4 (2) The Secretary shall make a survey of historic and archaeologic
5 sites, buildings, and objects for the purpose of determining which pos-
6 sess exceptional value as commemorating or illustrating the history of
7 the United States.

8 (3) The Secretary shall make necessary investigations and researches
9 in the United States relating to particular sites, buildings, and objects
10 to obtain accurate historical and archaeological facts and information
11 concerning the sites, buildings, and objects.

12 (4) The Secretary shall, for the purpose of this chapter, acquire in
13 the name of the United States by gift, purchase, or otherwise any prop-
14 erty, personal or real, or any interest or estate in property, title to any
15 real property to be satisfactory to the Secretary. Property that is
16 owned by any religious or educational institution or that is owned or
17 administered for the benefit of the public shall not be acquired without
18 the consent of the owner. No property shall be acquired or contract or
19 agreement for the acquisition of the property made that will obligate
20 the general fund of the Treasury for the payment of the property, un-
21 less Congress has appropriated money that is available for that pur-
22 pose.

23 (5) The Secretary shall contract and make cooperative agreements
24 with States, municipal subdivisions, corporations, associations, or indi-
25 viduals, with proper bond where considered advisable, to protect, pre-
26 serve, maintain, or operate any historic or archaeologic building, site,
27 or object, or property used in connection with the building, site, or ob-
28 ject, for public use, regardless whether the title to the building, site,
29 object, or property is in the United States. No contract or cooperative
30 agreement shall be made or entered into that will obligate the general
31 fund of the Treasury unless or until Congress has appropriated money
32 for that purpose.

33 (6) The Secretary shall restore, reconstruct, rehabilitate, preserve,
34 and maintain historic or prehistoric sites, buildings, objects, and prop-
35 erties of national historical or archaeological significance and where
36 deemed desirable establish and maintain museums in connection with
37 the sites, buildings, objects, and properties.

38 (7) The Secretary shall erect and maintain tablets to mark or com-
39 memorate historic or prehistoric places and events of national historical
40 or archaeological significance.

1 (8) The Secretary shall operate and manage historic and
 2 archaeologic sites, buildings, and properties acquired under this chapter
 3 together with land and subordinate buildings for the benefit of the pub-
 4 lic. The authority under this paragraph includes the power to charge
 5 reasonable visitation fees and grant concessions, leases, or permits for
 6 the use of land, building space, roads, or trails when necessary or desir-
 7 able either to accommodate the public or to facilitate administration.
 8 The Secretary may grant those concessions, leases, or permits and
 9 enter into contracts relating to the contracts, leases, or permits with
 10 responsible persons, firms, or corporations without advertising and
 11 without securing competitive bids.

12 (9) When the Secretary determines that it would be administratively
 13 burdensome to restore, reconstruct, operate, or maintain any particular
 14 historic or archaeologic site, building, or property donated to the
 15 United States through the Service, the Secretary may cause the res-
 16 toration, reconstruction, operation, or maintenance to be done by orga-
 17 nizing a corporation for that purpose under the laws of the District of
 18 Columbia or any State.

19 (10) The Secretary shall develop an educational program and service
 20 for the purpose of making available to the public information per-
 21 taining to American historic and archaeologic sites, buildings, and
 22 properties of national significance. Reasonable charges may be made
 23 for the dissemination of any such information.

24 (11) The Secretary shall perform any and all acts and make regula-
 25 tions not inconsistent with this chapter that may be necessary and
 26 proper to carry out this chapter. Any person violating any of the regu-
 27 lations authorized by this chapter shall be fined under title 18 and be
 28 adjudged to pay all cost of the proceedings.

29 **§ 2001.03. Cooperation with governmental and private agen-**
 30 **cies and individuals**

31 (a) AUTHORIZATION OF SECRETARY.—The Secretary may cooperate with
 32 and may seek and accept the assistance of any Federal, State, or local agen-
 33 cy, educational or scientific institution, patriotic association, or individual.

34 (b) TECHNICAL ADVISORY COMMITTEES.—When the Secretary considers
 35 it necessary, the Secretary may establish technical advisory committees to
 36 act in an advisory capacity in connection with the restoration or reconstruc-
 37 tion of any historic or prehistoric building or other structure.

38 (c) EMPLOYMENT OF ASSISTANCE.—The Secretary may employ profes-
 39 sional and technical assistance and establish service as may be required to
 40 accomplish the purposes of this chapter and for which money may be appro-
 41 priated by Congress or made available by gifts for those purposes.

1 **§ 2001.04. Jurisdiction of States in acquired land**

2 Nothing in this chapter shall be held to deprive any State, or political
3 subdivision of a State, of its civil and criminal jurisdiction in and over land
4 acquired by the United States under this chapter.

5 **§ 2001.05. Authorization of appropriations**

6 (a) IN GENERAL.—There are authorized to be appropriated to carry out
7 this chapter such sums as Congress may from time to time determine.

8 (b) REQUIREMENT FOR SPECIFIC AUTHORIZATION.—Notwithstanding
9 any other provision of law, no funds appropriated or otherwise made avail-
10 able to the Secretary to carry out paragraph (5) or (6) of section 2001.02
11 of this title may be obligated or expended—

12 (1) unless the appropriation of the funds has been specifically au-
13 thorized by law enacted on or after October 30, 1992; or

14 (2) in excess of the amount prescribed by law enacted on or after
15 October 30, 1992.

16 **CHAPTER 2003—DEFINITIONS**

Sec.

2003.01. National Trust.

17 **§ 2003.01. National Trust.**

18 In this subtitle, the term “National Trust” means the National Trust for
19 Historic Preservation in the United States established under section
20 2071.02 of this title.

21 **DIVISION B—HISTORIC PRESERVATION**

22 **Subdivision 1—General Provisions**

23 **CHAPTER 2011—FINDINGS, POLICY, AND DEFINITIONS**

Sec.

2011.01. Findings.

2011.02. Declaration of policy.

2011.03. Definitions.

24 **§ 2011.01. Findings**

25 Congress finds that—

26 (1) the spirit and direction of the Nation are founded on and re-
27 flected in its historic heritage;

28 (2) the historical and cultural foundations of the Nation should be
29 preserved as a living part of our community life and development in
30 order to give a sense of orientation to the American people;

31 (3) historic properties significant to the Nation’s heritage are being
32 lost or substantially altered, often inadvertently, with increasing fre-
33 quency;

34 (4) the preservation of this irreplaceable heritage is in the public in-
35 terest so that its vital legacy of cultural, educational, aesthetic, inspira-
36 tional, economic, and energy benefits will be maintained and enriched
37 for future generations of Americans;

1 (5) in the face of ever-increasing extensions of urban centers, high-
 2 ways, and residential, commercial, and industrial developments, the
 3 governmental and nongovernmental historic preservation programs and
 4 activities as of December 12, 1980, were inadequate to ensure future
 5 generations a genuine opportunity to appreciate and enjoy the rich her-
 6 itage of our Nation;

7 (6) the increased knowledge of our historic properties, the establish-
 8 ment of better means of identifying and administering them, and the
 9 encouragement of their preservation will improve the planning and exe-
 10 cution of Federal and federally assisted projects and will assist eco-
 11 nomic growth and development; and

12 (7) although the major burdens of historic preservation have been
 13 borne and major efforts initiated by private agencies and individuals,
 14 and both should continue to play a vital role, it is nevertheless nec-
 15 essary and appropriate for the Federal Government to accelerate its
 16 historic preservation programs and activities, to give maximum encour-
 17 agement to agencies and individuals undertaking preservation by pri-
 18 vate means, and to assist State and local governments and the National
 19 Trust to expand and accelerate their historic preservation programs
 20 and activities.

21 **§ 2011.02. Declaration of policy**

22 It is the policy of the Federal Government, in cooperation with other na-
 23 tions and in partnership with States, local governments, Indian tribes, Na-
 24 tive Hawaiians, and private organizations and individuals, to—

25 (1) use measures, including financial and technical assistance, to fos-
 26 ter conditions under which our modern society and our historic prop-
 27 erties can exist in productive harmony and fulfill the social, economic,
 28 and other requirements of present and future generations;

29 (2) provide leadership in the preservation of the historic properties
 30 of the United States and of the international community of nations and
 31 in the administration of the national preservation program;

32 (3) administer federally owned, administered, or controlled historic
 33 properties in a spirit of stewardship for the inspiration and benefit of
 34 present and future generations;

35 (4) contribute to the preservation of nonfederally owned historic
 36 properties and give maximum encouragement to organizations and indi-
 37 viduals undertaking preservation by private means;

38 (5) encourage the public and private preservation and utilization of
 39 all usable elements of the Nation's historic built environment; and

1 (6) assist State and local governments, Indian tribes and Native Ha-
 2 waiian organizations, and the National Trust to expand and accelerate
 3 their historic preservation programs and activities.

4 **§ 2011.03. Definitions**

5 In this division:

6 (1) AGENCY.—The term “agency” has the meaning given the term
 7 in section 551 of title 5.

8 (2) CERTIFIED LOCAL GOVERNMENT.—The term “certified local gov-
 9 ernment” means a local government whose local historic preservation
 10 program is certified pursuant to chapter 2027 of this title.

11 (3) COUNCIL.—The term “Council” means the Advisory Council on
 12 Historic Preservation established by section 2041.01 of this title.

13 (4) CULTURAL PARK.—The term “cultural park” means a definable
 14 area that—

15 (A) is distinguished by historic properties and land related to
 16 those properties; and

17 (B) constitutes an interpretive, educational, and recreational re-
 18 source for the public at large.

19 (5) HISTORIC CONSERVATION DISTRICT.—The term “historic con-
 20 servation district” means an area that contains—

21 (A) historic properties;

22 (B) buildings having similar or related architectural characteris-
 23 tics;

24 (C) cultural cohesiveness; or

25 (D) any combination of features described in subparagraphs (A)
 26 to (C).

27 (6) HISTORIC PRESERVATION FUND.—The term “Historic Preserva-
 28 tion Fund” means the Historic Preservation Fund established under
 29 section 2055.11 of this title.

30 (7) HISTORIC PRESERVATION REVIEW COMMISSION.—The term “his-
 31 toric preservation review commission” means a board, council, commis-
 32 sion, or other similar collegial body—

33 (A) that is established by State or local legislation as provided
 34 in section 2027.02(a)(2) of this title; and

35 (B) the members of which are appointed by the chief elected of-
 36 ficial of a jurisdiction (unless State or local law provides for ap-
 37 pointment by another official) from among—

38 (i) professionals in the disciplines of architecture, history,
 39 architectural history, planning, prehistoric and historic ar-
 40 chaeology, folklore, cultural anthropology, curation, conserva-
 41 tion, and landscape architecture, or related disciplines, to the

1 extent that those professionals are available in the commu-
2 nity; and

3 (ii) other individuals who have demonstrated special inter-
4 est, experience, or knowledge in history, architecture, or re-
5 lated disciplines and will provide for an adequate and quali-
6 fied commission.

7 (8) HISTORIC PROPERTY.—The term “historic property” means any
8 prehistoric or historic property included on, or eligible for inclusion on,
9 the National Register.

10 (9) INDIAN TRIBE.—The term “Indian tribe” means an Indian tribe,
11 band, nation, or other organized group or community, including a Na-
12 tive village, Regional Corporation or Village Corporation (as those
13 terms are defined in section 3 of the Alaska Native Claims Settlement
14 Act (16 U.S.C. 1602)), that is recognized as eligible for the special pro-
15 grams and services provided by the United States to Indians because
16 of their status as Indians.

17 (10) LOCAL GOVERNMENT.—The term “local government” means a
18 city, county, parish, township, municipality, or borough, or any other
19 general purpose political subdivision of any State.

20 (11) NATIONAL REGISTER.—The term “National Register” means
21 the National Register of Historic Places maintained under chapter
22 2023 of this title.

23 (12) NATIVE HAWAIIAN.—The term “Native Hawaiian” means any
24 individual who is a descendant of the aboriginal people who, prior to
25 1778, occupied and exercised sovereignty in the area that now con-
26 stitutes Hawaii.

27 (13) NATIVE HAWAIIAN ORGANIZATION.—

28 (A) IN GENERAL.—The term “Native Hawaiian organization”
29 means any organization that—

30 (i) serves and represents the interests of Native Hawaiians;

31 (ii) has as a primary and stated purpose the provision of
32 services to Native Hawaiians; and

33 (iii) has demonstrated expertise in aspects of historic pres-
34 ervation that are culturally significant to Native Hawaiians.

35 (B) INCLUSIONS.—The term “Native Hawaiian organization”
36 includes the Office of Hawaiian Affairs of Hawaii and Hui
37 Malama I Na Kupuna O Hawai'i Nei, an organization incor-
38 porated under the laws of Hawaii.

39 (14) PRESERVATION OR HISTORIC PRESERVATION.—The term “pres-
40 ervation” or “historic preservation” includes—

1 (A) identification, evaluation, recordation, documentation,
 2 curation, acquisition, protection, management, rehabilitation, res-
 3 toration, stabilization, maintenance, research, interpretation, and
 4 conservation;

5 (B) education and training regarding the foregoing activities; or

6 (C) any combination of the foregoing activities.

7 (15) PROPERTY.—

8 (A) IN GENERAL.—The term “property” means a district, site,
 9 building, structure, or object.

10 (B) INCLUSIONS.—The term “property” includes artifacts,
 11 records, and material remains that are related to a district, site,
 12 building, structure, or object.

13 (16) STATE.—The term “State” means a State, the District of Co-
 14 lumbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, the
 15 Northern Mariana Islands, the Marshall Islands, the Federated States
 16 of Micronesia, and Palau.

17 (17) STATE HISTORIC PRESERVATION REVIEW BOARD.—The term
 18 “State historic preservation review board” means a board, council,
 19 commission, or other similar collegial body established as provided in
 20 section 2025.01(2) of this title—

21 (A) the members of which are appointed by the State Historic
 22 Preservation Officer (unless otherwise provided for by State law);

23 (B) a majority of the members of which are professionals quali-
 24 fied in history, prehistoric and historic archaeology, architectural
 25 history, architecture, folklore, cultural anthropology, curation, con-
 26 servation, landscape architecture, and related disciplines; and

27 (C) that has the authority to—

28 (i) review National Register nominations and appeals from
 29 nominations;

30 (ii) review appropriate documentation submitted in con-
 31 junction with the Historic Preservation Fund;

32 (iii) provide general advice and guidance to the State His-
 33 toric Preservation Officer; and

34 (iv) perform such other duties as may be appropriate.

35 (18) TRIBAL LAND.—The term “tribal land” means—

36 (A) all land within the exterior boundaries of any Indian res-
 37 ervation; and

38 (B) all dependent Indian communities.

39 (19) UNDERTAKING.—The term “undertaking” means a project, ac-
 40 tivity, or program funded in whole or in part under the direct or indi-
 41 rect jurisdiction of a Federal agency, including—

- 1 (A) those carried out by or on behalf of the Federal agency;
 2 (B) those carried out with Federal financial assistance;
 3 (C) those requiring a Federal permit license, or approval; and
 4 (D) those subject to State or local regulation administered pur-
 5 suant to a delegation or approval by a Federal agency.

6 (20) WORLD HERITAGE CONVENTION.—The term “World Heritage
 7 Convention” means the Convention concerning the Protection of the
 8 World Cultural and Natural Heritage, done at Paris November 23,
 9 1972 (27 UST 37).

10 **Subdivision 2—Historic Preservation Program**

11 **CHAPTER 2021—DEFINITIONS**

Sec.

2021.01. Definitions.

12 **§ 2021.01. Definitions**

13 In this subdivision:

14 (1) DESIGNATION.—The term “designation” means the identification
 15 and registration of properties for protection that meet criteria estab-
 16 lished by a State or locality for significant historic properties within the
 17 jurisdiction of a local government.

18 (2) PROTECTION.—The term “protection” means protection by
 19 means of a local review process under State or local law for proposed
 20 demolition of, changes to, or other action that may affect historic prop-
 21 erties designated pursuant to chapter 2027 of this title.

22 **CHAPTER 2023—NATIONAL REGISTER OF HISTORIC** 23 **PLACES**

Sec.

2023.01. Maintenance by Secretary.

2023.02. Inclusion of properties on National Register.

2023.03. Criteria and regulations.

2023.04. Nominations for inclusion on National Register.

2023.05. Objection to inclusion on National Register or designation as National Historic
 Landmark.

2023.06. Regulations.

2023.07. Review of threats to historic properties.

24 **§ 2023.01. Maintenance by Secretary**

25 The Secretary may expand and maintain a National Register of Historic
 26 Places composed of properties significant in American history, architecture,
 27 archaeology, engineering, and culture.

28 **§ 2023.02. Inclusion of properties on National Register**

29 (a) IN GENERAL.—A property that meets the criteria for National His-
 30 toric Landmarks established pursuant to section 2023.03 of this title shall
 31 be designated as a National Historic Landmark and included on the Na-
 32 tional Register, subject to the requirements of section 2023.06 of this title.

33 (b) HISTORIC PROPERTIES ON NATIONAL REGISTER ON DECEMBER 12,
 34 1980.—All historic properties included on the National Register on Decem-

ber 12, 1980, shall be deemed to be included on the National Register as of their initial listing for purposes of this division.

(c) HISTORIC PROPERTIES LISTED IN FEDERAL REGISTER OF FEBRUARY 6, 1979, OR PRIOR TO DECEMBER 12, 1980, AS NATIONAL HISTORIC LANDMARKS.—All historic properties listed in the Federal Register of February 6, 1979, or prior to December 12, 1980, as National Historic Landmarks are declared by Congress to be National Historic Landmarks of national historic significance as of their initial listing in the Federal Register for purposes of this division and chapter 2001 of this title.

(d) BOUNDARIES.—In the case of a National Historic Landmark district for which no boundaries had been established as of December 12, 1980, boundaries must first be published in the Federal Register.

§ 2023.03. Criteria and regulations

The Secretary, in consultation with national historical and archaeological associations, shall—

(1) establish criteria for properties to be included on the National Register and criteria for National Historic Landmarks; and

(2) promulgate regulations for—

(A) nominating properties for inclusion on, and removal from, the National Register and the recommendation of properties by certified local governments;

(B) designating properties as National Historic Landmarks and removing that designation;

(C) considering appeals from recommendations, nominations, removals, and designations (or any failure or refusal by a nominating authority to nominate or designate);

(D) nominating historic properties for inclusion in the World Heritage List in accordance with the World Heritage Convention;

(E) making determinations of eligibility of properties for inclusion on the National Register; and

(F) notifying the owner of a property, any appropriate local governments, and the general public, when the property is being considered for inclusion on the National Register, for designation as a National Historic Landmark, or for nomination to the World Heritage List.

§ 2023.04. Nominations for inclusion on National Register

(a) NOMINATION BY STATE.—Subject to the requirements of section 2023.06 of this title, any State that is carrying out a program approved under chapter 2025 of this title shall nominate to the Secretary properties that meet the criteria promulgated under section 2023.03 of this title for inclusion on the National Register. Subject to section 2023.06 of this title,

1 any property nominated under this subsection or under section 2051.02 of
 2 this title shall be included on the National Register on the date that is 45
 3 days after receipt by the Secretary of the nomination and the necessary docu-
 4 mentation, unless the Secretary disapproves the nomination within the 45-
 5 day period or unless an appeal is filed under subsection (c).

6 (b) NOMINATION BY PERSON OR LOCAL GOVERNMENT.—Subject to the
 7 requirements of section 2023.06 of this title, the Secretary may accept a
 8 nomination directly from any person or local government for inclusion of a
 9 property on the National Register only if the property is located in a State
 10 where there is no program approved under chapter 2025 of this title. The
 11 Secretary may include on the National Register any property for which such
 12 a nomination is made if the Secretary determines that the property is eligi-
 13 ble in accordance with the regulations promulgated under section 2023.03
 14 of this title. The determination shall be made within 90 days from the date
 15 of the nomination unless the nomination is appealed under subsection (c).

16 (c) APPEAL.—Any person or local government may appeal to the Sec-
 17 retary—

18 (1) a nomination of any property for inclusion on the National Reg-
 19 ister; and

20 (2) the failure or refusal of a nominating authority to nominate a
 21 property in accordance with this chapter.

22 **§ 2023.05. Objection to inclusion on National Register or**
 23 **designation as National Historic Landmark**

24 (a) REGULATIONS.—The Secretary shall promulgate regulations requiring
 25 that before any property may be included on the National Register or desig-
 26 nated as a National Historic Landmark, the owner of the property, or a
 27 majority of the owners of the individual properties within a district in the
 28 case of a historic district, shall be given the opportunity (including a reason-
 29 able period of time) to concur in, or object to, the nomination of the prop-
 30 erty for inclusion or designation. The regulations shall include provisions to
 31 carry out this section in the case of multiple ownership of a single property.

32 (b) WHEN PROPERTY SHALL NOT BE INCLUDED ON NATIONAL REG-
 33 ISTER OR DESIGNATED AS NATIONAL HISTORIC LANDMARK.—If the owner
 34 of any privately owned property, or a majority of the owners of privately
 35 owned properties within the district in the case of a historic district, object
 36 to inclusion or designation, the property shall not be included on the Na-
 37 tional Register or designated as a National Historic Landmark until the ob-
 38 jection is withdrawn.

39 (c) REVIEW BY SECRETARY.—The Secretary shall review the nomination
 40 of the property when an objection has been made and shall determine
 41 whether or not the property is eligible for inclusion or designation. If the

1 Secretary determines that the property is eligible for inclusion or designa-
 2 tion, the Secretary shall inform the Advisory Council on Historic Preserva-
 3 tion, the appropriate State Historic Preservation Officer, the appropriate
 4 chief elected local official, and the owner or owners of the property of the
 5 Secretary's determination.

6 (d) RETENTION OF NAME.—Notwithstanding section 43(c) of the Act of
 7 July 5, 1946 (known as the Trademark Act of 1946) (15 U.S.C. 1125(c)),
 8 buildings and structures on or eligible for inclusion on the National Register
 9 (either individually or as part of a historic district), or designated as an in-
 10 dividual landmark or as a contributing building in a historic district by a
 11 unit of State or local government, may retain the name historically associ-
 12 ated with the building or structure.

13 **§ 2023.06. Regulations**

14 The Secretary shall promulgate regulations—

15 (1) ensuring that significant prehistoric and historic artifacts, and
 16 associated records, subject to subchapter I of chapter 2051 of this title,
 17 chapter 2081 of this title, and the Archaeological Resources Protection
 18 Act of 1979 (16 U.S.C. 470aa et seq.) are deposited in an institution
 19 with adequate long-term curatorial capabilities;

20 (2) establishing a uniform process and standards for documenting
 21 historic properties by public agencies and private parties for purposes
 22 of incorporation into, or complementing, the national historical archi-
 23 tectural and engineering records in the Library of Congress; and

24 (3) certifying local governments, in accordance with sections 2027.01
 25 and 2027.02 of this title and for the allocation of funds pursuant to
 26 section 2055.03(d) of this title.

27 **§ 2023.07. Review of threats to historic properties**

28 At least once every 4 years, the Secretary, in consultation with the Coun-
 29 cil and with State Historic Preservation Officers, shall review significant
 30 threats to historic properties to—

31 (1) determine the kinds of historic properties that may be threat-
 32 ened;

33 (2) ascertain the causes of the threats; and

34 (3) develop and submit to the President and Congress recommenda-
 35 tions for appropriate action.

36 **CHAPTER 2025—STATE HISTORIC PRESERVATION** 37 **PROGRAMS**

Sec.

2025.01. Regulations.

2025.02. Program evaluation.

2025.03. State Historic Preservation Officer.

2025.04. Contracts and cooperative agreements.

1 **§ 2025.01. Regulations**

2 The Secretary, in consultation with the National Conference of State His-
3 toric Preservation Officers and the National Trust for Historic Preserva-
4 tion, shall promulgate or revise regulations for State Historic Preservation
5 Programs. The regulations shall provide that a State program submitted to
6 the Secretary under this chapter shall be approved by the Secretary if the
7 Secretary determines that the program provides for—

8 (1) the designation and appointment by the chief executive officer of
9 the State of a State Historic Preservation Officer to administer the
10 program in accordance with section 2025.03 of this title and for the
11 employment or appointment by the officer of professionally qualified
12 staff that may be necessary for those purposes;

13 (2) an adequate and qualified State historic preservation review
14 board designated by the State Historic Preservation Officer unless oth-
15 erwise provided for by State law; and

16 (3) adequate public participation in the State Historic Preservation
17 Program, including the process of recommending properties for nomi-
18 nation to the National Register.

19 **§ 2025.02. Program evaluation**

20 (a) WHEN EVALUATION SHOULD OCCUR.—Periodically, but not less than
21 every 4 years after the approval of any State program under this section,
22 the Secretary, in consultation with the Council on the appropriate provisions
23 of this division, and in cooperation with the State Historic Preservation Of-
24 ficer, shall evaluate the program to determine whether it is consistent with
25 this division.

26 (b) DISAPPROVAL OF PROGRAM.—If, at any time, the Secretary deter-
27 mines that a major aspect of a State program is not consistent with this
28 division, the Secretary shall disapprove the program and suspend in whole
29 or in part any contracts or cooperative agreements with the State and the
30 State Historic Preservation Officer under this division, until the program
31 is consistent with this division, unless the Secretary determines that the
32 program will be made consistent with this division within a reasonable pe-
33 riod of time.

34 (c) OVERSIGHT.—The Secretary, in consultation with State Historic Pres-
35 ervation Officers, shall establish oversight methods to ensure State program
36 consistency and quality without imposing undue review burdens on State
37 Historic Preservation Officers.

38 (d) STATE FISCAL AUDIT AND MANAGEMENT SYSTEM.—

39 (1) SUBSTITUTION FOR COMPARABLE FEDERAL SYSTEMS.—At the
40 discretion of the Secretary, a State system of fiscal audit and manage-

1 ment may be substituted for comparable Federal systems so long as the
2 State system—

3 (A) establishes and maintains substantially similar account-
4 ability standards; and

5 (B) provides for independent professional peer review.

6 (2) FISCAL AUDITS AND REVIEW BY SECRETARY.—The Secretary—

7 (A) may conduct periodic fiscal audits of State programs ap-
8 proved under this subdivision as needed; and

9 (B) shall ensure that the programs meet applicable account-
10 ability standards.

11 **§ 2025.03. State Historic Preservation Officer**

12 (a) IN GENERAL.—It shall be the responsibility of a State Historic Pres-
13 ervation Officer to administer a State Historic Preservation Program.

14 (b) PARTICULAR RESPONSIBILITIES.—It shall be the responsibility of a
15 State Historic Preservation Officer to—

16 (1) in cooperation with Federal and State agencies, local govern-
17 ments, and private organizations and individuals, direct and conduct a
18 comprehensive statewide survey of historic properties and maintain in-
19 ventories of the properties;

20 (2) identify and nominate eligible properties to the National Register
21 and otherwise administer applications for listing historic properties on
22 the National Register;

23 (3) prepare and implement a comprehensive statewide historic pres-
24 ervation plan;

25 (4) administer the State program of Federal assistance for historic
26 preservation within the State;

27 (5) advise and assist, as appropriate, Federal and State agencies and
28 local governments in carrying out their historic preservation respon-
29 sibilities;

30 (6) cooperate with the Secretary, the Council, other Federal and
31 State agencies, local governments, and organizations and individuals to
32 ensure that historic properties are taken into consideration at all levels
33 of planning and development;

34 (7) provide public information, education, and training and technical
35 assistance in historic preservation;

36 (8) cooperate with local governments in the development of local his-
37 toric preservation programs and assist local governments in becoming
38 certified pursuant to chapter 2027 of this title;

39 (9) consult with appropriate Federal agencies in accordance with this
40 division on—

- 1 (A) Federal undertakings that may affect historic properties;
 2 and
 3 (B) the content and sufficiency of any plans developed to pro-
 4 tect, manage, or reduce or mitigate harm to those properties; and
 5 (10) advise and assist in the evaluation of proposals for rehabilita-
 6 tion projects that may qualify for Federal assistance.

7 **§ 2025.04. Contracts and cooperative agreements**

8 (a) STATE.—Any State may carry out all or any part of its responsibil-
 9 ities under this chapter by contract or cooperative agreement with any
 10 qualified nonprofit organization or educational institution.

11 (b) SECRETARY.—

12 (1) IN GENERAL.—

13 (A) AUTHORITY TO ASSIST SECRETARY.—Subject to paragraphs
 14 (3) and (4), the Secretary may enter into contracts or cooperative
 15 agreements with a State Historic Preservation Officer for any
 16 State authorizing the Officer to assist the Secretary in carrying
 17 out one or more of the following responsibilities within that State:

- 18 (i) Identification and preservation of historic properties.
 19 (ii) Determination of the eligibility of properties for listing
 20 on the National Register.
 21 (iii) Preparation of nominations for inclusion on the Na-
 22 tional Register.
 23 (iv) Maintenance of historical and archaeological data
 24 bases.
 25 (v) Evaluation of eligibility for Federal preservation incen-
 26 tives.

27 (B) AUTHORITY TO MAINTAIN NATIONAL REGISTER.—Nothing
 28 in subparagraph (A) shall be construed to provide that any State
 29 Historic Preservation Officer or any other person other than the
 30 Secretary shall have the authority to maintain the National Reg-
 31 ister for properties in any State.

32 (2) REQUIREMENTS.—The Secretary may enter into a contract or
 33 cooperative agreement under paragraph (1) only if—

- 34 (A) the State Historic Preservation Officer has requested the
 35 additional responsibility;
 36 (B) the Secretary has approved the State historic preservation
 37 program pursuant to sections 2045.01 and 2045.02 of this title;
 38 (C) the State Historic Preservation Officer agrees to carry out
 39 the additional responsibility in a timely and efficient manner ac-
 40 ceptable to the Secretary and the Secretary determines that the

1 Officer is fully capable of carrying out the responsibility in that
2 manner;

3 (D) the State Historic Preservation Officer agrees to permit the
4 Secretary to review and revise, as appropriate in the discretion of
5 the Secretary, decisions made by the Officer pursuant to the con-
6 tract or cooperative agreement; and

7 (E) the Secretary and the State Historic Preservation Officer
8 agree on the terms of additional financial assistance to the State,
9 if there is to be any, for the costs of carrying out that responsi-
10 bility.

11 (3) ESTABLISH CONDITIONS AND CRITERIA.—For each significant
12 program area under the Secretary’s authority, the Secretary shall es-
13 tablish specific conditions and criteria essential for the assumption by
14 a State Historic Preservation Officer of the Secretary’s duties in each
15 of those programs.

16 (4) PRESERVATION PROGRAMS AND ACTIVITIES NOT DIMINISHED.—
17 Nothing in this chapter shall have the effect of diminishing the preser-
18 vation programs and activities of the Service.

19 **CHAPTER 2027—CERTIFICATION OF LOCAL**
20 **GOVERNMENTS**

Sec.

2027.01. Certification as part of State program.

2027.02. Requirements for certification.

2027.03. Consideration of property for inclusion on National Register.

2027.04. Eligibility and responsibility of certified local government.

21 **§ 2027.01. Certification as part of State program**

22 Any State program approved under this subdivision shall provide a mech-
23 anism for the certification by the State Historic Preservation Officer of local
24 governments to carry out the purposes of this division and provide for the
25 transfer, in accordance with section 2055.03(d) of this title, of a portion of
26 the grants received by the States under this division, to those local govern-
27 ments.

28 **§ 2027.02. Requirements for certification**

29 (a) APPROVED STATE PROGRAM.—Any local government shall be certified
30 to participate under this section if the applicable State Historic Preservation
31 Officer, and the Secretary, certify that the local government—

32 (1) enforces appropriate State or local legislation for the designation
33 and protection of historic properties;

34 (2) has established an adequate and qualified historic preservation
35 review commission by State or local legislation;

36 (3) maintains a system for the survey and inventory of historic prop-
37 erties that furthers the purposes of chapter 2025 of this title;

1 (4) provides for adequate public participation in the local historic
2 preservation program, including the process of recommending prop-
3 erties for nomination to the National Register; and

4 (5) satisfactorily performs the responsibilities delegated to it under
5 this division.

6 (b) NO APPROVED STATE PROGRAM.—Where there is no approved State
7 program, a local government may be certified by the Secretary if the Sec-
8 retary determines that the local government meets the requirements of sub-
9 section (a). The Secretary may make grants to the local government cer-
10 tified under this subsection for purposes of this subdivision.

11 **§ 2027.03. Consideration of property for inclusion on Na-**
12 **tional Register**

13 (a) NOTICE.—Before a property within the jurisdiction of a certified local
14 government may be considered by a State to be nominated to the Secretary
15 for inclusion on the National Register, the State Historic Preservation Offi-
16 cer shall notify the owner, the applicable chief local elected official, and the
17 local historic preservation commission.

18 (b) REPORT.—The local historic preservation commission, after reason-
19 able opportunity for public comment, shall prepare a report as to whether
20 the property, in the Commission's opinion, meets the criteria of the National
21 Register. Within 60 days of notice from the State Historic Preservation Of-
22 ficer, the chief local elected official shall transmit the report of the commis-
23 sion and the recommendation of the local official to the State Historic Pres-
24 ervation Officer.

25 (c) RECOMMENDATION.—

26 (1) PROPERTY NOMINATED TO NATIONAL REGISTER.—Except as
27 provided in paragraph (2), after receipt of the report and recommenda-
28 tion, or if no report and recommendation are received within 60 days,
29 the State shall make the nomination pursuant to section 2043.04 of
30 this title. The State may expedite the process with the concurrence of
31 the certified local government.

32 (2) PROPERTY NOT NOMINATED TO NATIONAL REGISTER.—If both
33 the commission and the chief local elected official recommend that a
34 property not be nominated to the National Register, the State Historic
35 Preservation Officer shall take no further action, unless, within 30 days
36 of the receipt of the recommendation by the State Historic Preserva-
37 tion Officer, an appeal is filed with the State. If an appeal is filed, the
38 State shall follow the procedures for making a nomination pursuant to
39 section 2023.04 of this title. Any report and recommendations made
40 under this section shall be included with any nomination submitted by
41 the State to the Secretary.

1 **§ 2027.04. Eligibility and responsibility of certified local gov-**
 2 **ernment**

3 Any local government that is certified under this section or that is mak-
 4 ing efforts to become certified—

5 (1) shall be eligible for funds under section 2055.03(d) of this title;

6 and

7 (2) shall carry out any responsibilities delegated to it in accordance
 8 with such terms and conditions as the Secretary considers necessary or
 9 advisable.

10 **CHAPTER 2029—HISTORIC PROPERTIES OF INDIAN**
 11 **TRIBES**

Sec.

2029.01. Program to assist Indian tribes in preserving historic properties.

2029.02. Indian tribe to assume functions of State Historic Preservation Officer.

2029.03. Apportionment of grant funds.

2029.04. Contracts and cooperative agreements.

2029.05. Agreement for review under tribal historic preservation regulations.

2029.06. Eligibility for inclusion on National Register.

12 **§ 2029.01. Program to assist Indian tribes in preserving his-**
 13 **toric properties**

14 (a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a pro-
 15 gram and promulgate regulations to assist Indian tribes in preserving their
 16 historic properties.

17 (b) COMMUNICATION AND COOPERATION.—The Secretary shall foster
 18 communication and cooperation between Indian tribes and State Historic
 19 Preservation Officers in the administration of the national historic preserva-
 20 tion program to—

21 (1) ensure that all types of historic properties and all public interests
 22 in historic properties are given due consideration; and

23 (2) encourage coordination among Indian tribes, State Historic Pres-
 24 ervation Officers, and Federal agencies in historic preservation plan-
 25 ning and in the identification, evaluation, protection, and interpretation
 26 of historic properties.

27 (c) TRIBAL VALUES.—The program under subsection (a) shall be devel-
 28 oped in a manner to ensure that tribal values are taken into account to the
 29 extent feasible. The Secretary may waive or modify requirements of this
 30 subdivision to conform to the cultural setting of tribal heritage preservation
 31 goals and objectives.

32 (d) SCOPE OF TRIBAL PROGRAMS.—The tribal programs implemented by
 33 specific tribal organizations may vary in scope, as determined by each In-
 34 dian tribe's chief governing authority.

1 **§ 2029.02. Indian tribe to assume functions of State Historic**
 2 **Preservation Officer**

3 An Indian tribe may assume all or any part of the functions of a State
 4 Historic Preservation Officer in accordance with sections 2025.02 and
 5 2025.03 of this title, with respect to tribal land, as those responsibilities
 6 may be modified for tribal programs through regulations issued by the Sec-
 7 retary, if—

8 (1) the Indian tribe's chief governing authority so requests;

9 (2) the Indian tribe designates a tribal preservation official to admin-
 10 ister the tribal historic preservation program, through appointment by
 11 the Indian tribe's chief governing authority or as a tribal ordinance
 12 may otherwise provide;

13 (3) the tribal preservation official provides the Secretary with a plan
 14 describing how the functions the tribal preservation official proposes to
 15 assume will be carried out;

16 (4) the Secretary determines, after consulting with the Indian tribe,
 17 the appropriate State Historic Preservation Officer, the Council (if the
 18 Indian tribe proposes to assume the functions of the State Historic
 19 Preservation Officer with respect to review of undertakings under sec-
 20 tion 2053.02 of this title), and other Indian tribes, if any, whose tribal
 21 or aboriginal land may be affected by conduct of the tribal preservation
 22 program, that—

23 (A) the tribal preservation program is fully capable of carrying
 24 out the functions specified in the plan provided under paragraph
 25 (3);

26 (B) the plan defines the remaining responsibilities of the Sec-
 27 retary and the State Historic Preservation Officer; and

28 (C) the plan provides, with respect to properties neither owned
 29 by a member of the Indian tribe nor held in trust by the Secretary
 30 for the benefit of the Indian tribe, at the request of the owner of
 31 the properties, that the State Historic Preservation Officer, in ad-
 32 dition to the tribal preservation official, may exercise the historic
 33 preservation responsibilities in accordance with sections 2025.02
 34 and 2025.03 of this title; and

35 (5) based on satisfaction of the conditions stated in paragraphs (1),
 36 (2), (3), and (4), the Secretary approves the plan.

37 **§ 2029.03. Apportionment of grant funds**

38 In consultation with interested Indian tribes, other Native American orga-
 39 nizations, and affected State Historic Preservation Officers, the Secretary
 40 shall establish and implement procedures for carrying out section

1 2055.03(a)(1) of this title with respect to tribal programs that assume re-
 2 sponsibilities under section 2029.02 of this title.

3 **§ 2029.04. Contracts and cooperative agreements**

4 At the request of an Indian tribe whose preservation program has been
 5 approved to assume functions and responsibilities pursuant to section
 6 2029.02 of this title, the Secretary shall enter into a contract or cooperative
 7 agreement with the Indian tribe permitting the assumption by the Indian
 8 tribe of any part of the responsibilities described in section 2025.04(b) of
 9 this title on tribal land, if—

10 (1) the Secretary and the Indian tribe agree on additional financial
 11 assistance, if any, to the Indian tribe for the costs of carrying out those
 12 authorities;

13 (2) the Secretary finds that the tribal historic preservation program
 14 has been demonstrated to be sufficient to carry out the contract or co-
 15 operative agreement and this division; and

16 (3) the contract or cooperative agreement specifies the continuing re-
 17 sponsibilities of the Secretary or of the appropriate State Historic Pres-
 18 ervation Officers and provides for appropriate participation by—

19 (A) the Indian tribe's traditional cultural authorities;

20 (B) representatives of other Indian tribes whose traditional land
 21 is under the jurisdiction of the Indian tribe assuming responsibil-
 22 ities; and

23 (C) the public.

24 **§ 2029.05. Agreement for review under tribal historic preser-
 25 vation regulations**

26 The Council may enter into an agreement with an Indian tribe to permit
 27 undertakings on tribal land to be reviewed under tribal historic preservation
 28 regulations in place of review under regulations promulgated by the Council
 29 to govern compliance with section 2053.02 of this title, if the Council, after
 30 consultation with the Indian tribe and appropriate State Historic Preserva-
 31 tion Officers, determines that the tribal preservation regulations will afford
 32 historic properties consideration equivalent to those afforded by the Coun-
 33 cil's regulations.

34 **§ 2029.06. Eligibility for inclusion on National Register**

35 (a) IN GENERAL.—Properties of traditional religious and cultural impor-
 36 tance to an Indian tribe or Native Hawaiian organization may be deter-
 37 mined to be eligible for inclusion on the National Register.

38 (b) CONSULTATION.—In carrying out its responsibilities under section
 39 2053.02 of this title, a Federal agency shall consult with any Indian tribe
 40 or Native Hawaiian organization that attaches religious and cultural signifi-
 41 cance to properties described in subsection (a).

1 (c) HAWAII.—In carrying out responsibilities under section 2025.03 of
2 this title, the State Historic Preservation Officer for Hawaii shall—

3 (1) consult with Native Hawaiian organizations in assessing the cul-
4 tural significance of any property in determining whether to nominate
5 the property to the National Register;

6 (2) consult with Native Hawaiian organizations in developing the
7 cultural component of a preservation program or plan for the property;
8 and

9 (3) enter into a memorandum of understanding or agreement with
10 Native Hawaiian organizations for the assessment of the cultural sig-
11 nificance of a property in determining whether to nominate the prop-
12 erty to the National Register and to carry out the cultural component
13 of the preservation program or plan.

14 **CHAPTER 2031—GRANTS**

Sec.

2031.01. Matching grants.

2031.02. Grants to National Trust.

2031.03. Direct grants for the preservation of properties included on National Register.

2031.04. Religious properties.

2031.05. Grants and loans to Indian tribes and nonprofit organizations representing ethnic
or minority groups.

2031.06. Grants to Indian tribes and Native Hawaiian organizations.

2031.07. Prohibited use of funds.

2031.08. Training in, and dissemination of information concerning, professional methods and
techniques for preservation of historic properties.

2031.09. Preservation education and training program.

15 **§ 2031.01. Matching grants**

16 (a) IN GENERAL.—The Secretary shall administer a program of matching
17 grants to the States for the purposes of carrying out this division.

18 (b) FEDERATED STATES OF MICRONESIA, THE MARSHALL ISLANDS, AND
19 PALAU.—

20 (1) IN GENERAL.—As part of the program of matching grant assist-
21 ance from the Historic Preservation Fund to States, the Secretary shall
22 administer a program of direct grants to the Federated States of Mi-
23 cronesia, the Marshall Islands, and Palau in furtherance of the Com-
24 pact of Free Association between the United States and the Federated
25 States of Micronesia and the Marshall Islands, approved by the Com-
26 pact of Free Association Act of 1985 (48 U.S.C. 1901 et seq., 2001
27 et seq.), and the Compact of Free Association between the United
28 States and Palau, approved by the Joint Resolution entitled “Joint
29 Resolution to approve the ‘Compact of Free Association’ between the
30 United States and Government of Palau, and for other purposes” (48
31 U.S.C. 1931 et seq.).

32 (2) GOAL OF PROGRAM.—The goal of the program shall be to estab-
33 lish historic and cultural preservation programs that meet the unique

1 needs of each of those nations so that at the termination of the com-
2 pacts the programs shall be firmly established.

3 (3) BASIS OF ALLOCATING AMOUNTS.—The amounts to be made
4 available under this subsection shall be allocated by the Secretary on
5 the basis of needs as determined by the Secretary.

6 (4) WAIVERS AND MODIFICATIONS.—The Secretary may waive or
7 modify the requirements of this subdivision to conform to the cultural
8 setting of those nations. Matching funds may be waived or modified.

9 **§ 2031.02. Grants to National Trust**

10 The Secretary may administer grants to the National Trust consistent
11 with the purposes of its charter and this division.

12 **§ 2031.03. Direct grants for the preservation of properties
13 included on National Register**

14 (a) ADMINISTRATION OF PROGRAM.—The Secretary shall administer a
15 program of direct grants for the preservation of properties included on the
16 National Register.

17 (b) AVAILABLE AMOUNT.—Funds to support the program annually shall
18 not exceed 10 percent of the amount appropriated annually for the Historic
19 Preservation Fund.

20 (c) USES OF GRANTS.—

21 (1) IN GENERAL.—Grants under this section may be made by the
22 Secretary, in consultation with the appropriate State Historic Preserva-
23 tion Officer—

24 (A) for the preservation of—

25 (i) National Historic Landmarks that are threatened with
26 demolition or impairment; and

27 (ii) historic properties of World Heritage significance;

28 (B) for demonstration projects that will provide information
29 concerning professional methods and techniques having application
30 to historic properties;

31 (C) for the training and development of skilled labor in trades
32 and crafts, and in analysis and curation, relating to historic pres-
33 ervation; and

34 (D) to assist individuals or small businesses within any historic
35 district included on the National Register to remain within the
36 district.

37 (2) LIMIT ON CERTAIN GRANTS.—A grant may be made under sub-
38 paragraph (A) or (D) of paragraph (1) only to the extent that the
39 project cannot be carried out in as effective a manner through the use
40 of an insured loan under section 2055.04 of this title.

1 **§ 2031.04. Religious properties**

2 (a) IN GENERAL.—Grants may be made under sections 2031.01 to
3 2031.03, 2031.05, and 2031.06 of this title for the preservation, stabiliza-
4 tion, restoration, or rehabilitation of religious properties listed on the Na-
5 tional Register if the purpose of the grant—

6 (1) is secular;

7 (2) does not promote religion; and

8 (3) seeks to protect qualities that are historically significant.

9 (b) EFFECT OF SECTION.—Nothing in this section shall be construed to
10 authorize the use of any funds made available under this subdivision for the
11 acquisition of any religious property listed on the National Register.

12 **§ 2031.05. Grants and loans to Indian tribes and nonprofit**
13 **organizations representing ethnic or minority**
14 **groups**

15 The Secretary may, in consultation with the appropriate State Historic
16 Preservation Officer, make grants or loans or both under this subdivision
17 to Indian tribes and to nonprofit organizations representing ethnic or mi-
18 nority groups for the preservation of their cultural heritage.

19 **§ 2031.06. Grants to Indian tribes and Native Hawaiian orga-**
20 **nizations**

21 The Secretary shall administer a program of direct grants to Indian
22 tribes and Native Hawaiian organizations for the purpose of carrying out
23 this division as it pertains to Indian tribes and Native Hawaiian organiza-
24 tions. Matching fund requirements may be modified. Federal funds available
25 to an Indian tribe or Native Hawaiian organization may be used as match-
26 ing funds for the purposes of the Indian tribe's or Native Hawaiian organi-
27 zation's conducting its responsibilities pursuant to this subdivision.

28 **§ 2031.07. Prohibited use of funds**

29 No part of any grant made under this subdivision may be used to com-
30 pensate any person intervening in any proceeding under this division.

31 **§ 2031.08. Training in, and dissemination of information**
32 **concerning, professional methods and techniques**
33 **for preservation of historic properties**

34 The Secretary shall develop and make available to Federal agencies, State
35 and local governments, private organizations and individuals, and other na-
36 tions and international organizations pursuant to the World Heritage Con-
37 vention, training in, and information concerning, professional methods and
38 techniques for the preservation of historic properties and for the administra-
39 tion of the historic preservation program at the Federal, State, and local
40 level. The Secretary shall also develop mechanisms to provide information
41 concerning historic preservation to the general public including students.

1 **§ 2031.09. Preservation education and training program**

2 The Secretary, in consultation with the Council and other appropriate
3 Federal, tribal, Native Hawaiian, and non-Federal organizations, shall de-
4 velop and implement a comprehensive preservation education and training
5 program. The program shall include—

6 (1) standards and increased preservation training opportunities for
7 Federal workers involved in preservation-related functions;

8 (2) preservation training opportunities for other Federal, State, trib-
9 al and local government workers, and students;

10 (3) technical or financial assistance, or both, to historically black col-
11 leges and universities, to tribal colleges, and to colleges with a high en-
12 rollment of Native Americans or Native Hawaiians, to establish preser-
13 vation training and degree programs; and

14 (4) where appropriate, coordination with the National Center for
15 Preservation Technology and Training of—

16 (A) distribution of information on preservation technologies;

17 (B) provision of training and skill development in trades, crafts,
18 and disciplines related to historic preservation in Federal training
19 and development programs; and

20 (C) support for research, analysis, conservation, curation, inter-
21 pretation, and display related to preservation.

22 **Subdivision 3—Other Organizations and**
23 **Programs**

24 **CHAPTER 2041—ADVISORY COUNCIL ON HISTORIC**
25 **PRESERVATION**

Sec.

2041.01. Establishment; vacancies.

2041.02. Duties of Council.

2041.03. Cooperation between Council and instrumentalities of executive branch of Federal
Government.

2041.04. Compensation of members of Council.

2041.05. Administration.

2041.06. International Centre for the Study of the Preservation and Restoration of Cultural
Property.

2041.07. Transmittal of legislative recommendations, testimony, or comments to any officer
or agency of the United States prior to submission to Congress.

2041.08. Regulations, procedures, and guidelines.

2041.09. Budget submission.

2041.10. Report by Secretary to Council.

2041.11. Reimbursements from State and local agencies.

2041.12. Effectiveness of Federal grant and assistance programs.

2041.13. Authorization of appropriations.

26 **§ 2041.01. Establishment; vacancies**

27 (a) ESTABLISHMENT.—There is established as an independent agency of
28 the United States Government an Advisory Council on Historic Preserva-
29 tion, which shall be composed of the following members:

1 (1) A Chairman appointed by the President selected from the general
2 public.

3 (2) The Secretary.

4 (3) The Architect of the Capitol.

5 (4) The Secretary of Agriculture and the heads of 7 other agencies
6 of the United States (other than the Department of the Interior), the
7 activities of which affect historic preservation, designated by the Presi-
8 dent.

9 (5) One Governor appointed by the President.

10 (6) One mayor appointed by the President.

11 (7) The President of the National Conference of State Historic Pres-
12 ervation Officers.

13 (8) The Chairman of the National Trust.

14 (9) Four experts in the field of historic preservation appointed by
15 the President from architecture, history, archaeology, and other appro-
16 priate disciplines.

17 (10) Three members from the general public, appointed by the Presi-
18 dent.

19 (11) One member of an Indian tribe or Native Hawaiian organiza-
20 tion who represents the interests of the Indian tribe or Native Hawai-
21 ian organization of which he or she is a member, appointed by the
22 President.

23 (b) DESIGNATION OF SUBSTITUTES.—Each member of the Council speci-
24 fied in paragraphs (2) to (5), (7), and (8) of subsection (a) may designate
25 another officer of the department, agency, or organization to serve on the
26 Council instead of the member, except that, in the case of paragraphs (2)
27 and (4), no officer other than an Assistant Secretary or an officer having
28 major department-wide or agency-wide responsibilities may be designated.

29 (c) TERM OF OFFICE.—Each member of the Council appointed under
30 paragraphs (1) and (9) to (11) of subsection (a) shall serve for a term of
31 4 years from the expiration of the term of the member's predecessor. The
32 members appointed under paragraphs (5) and (6) shall serve for the term
33 of their elected office but not in excess of 4 years. An appointed member
34 may not serve more than 2 terms. An appointed member whose term has
35 expired shall serve until that member's successor has been appointed.

36 (d) VACANCIES.—A vacancy in the Council shall not affect its powers, but
37 shall be filled, not later than 60 days after the vacancy commences, in the
38 same manner as the original appointment (and for the balance of the unex-
39 pired term).

40 (e) DESIGNATION OF VICE CHAIRMAN.—The President shall designate a
41 Vice Chairman from the members appointed under paragraph (5), (6), (9),

1 or (10) of subsection (a). The Vice Chairman may act in place of the Chair-
 2 man during the absence or disability of the Chairman or when the office
 3 is vacant.

4 (f) QUORUM.—Twelve members of the Council shall constitute a quorum.

5 **§ 2041.02. Duties of Council**

6 (a) DUTIES.—The Council shall—

7 (1) advise the President and Congress on matters relating to historic
 8 preservation, recommend measures to coordinate activities of Federal,
 9 State, and local agencies and private institutions and individuals relat-
 10 ing to historic preservation, and advise on the dissemination of infor-
 11 mation pertaining to those activities;

12 (2) encourage, in cooperation with the National Trust and appro-
 13 priate private agencies, public interest and participation in historic
 14 preservation;

15 (3) recommend the conduct of studies in such areas as—

16 (A) the adequacy of legislative and administrative statutes and
 17 regulations pertaining to historic preservation activities of State
 18 and local governments; and

19 (B) the effects of tax policies at all levels of government on his-
 20 toric preservation;

21 (4) advise as to guidelines for the assistance of State and local gov-
 22 ernments in drafting legislation relating to historic preservation;

23 (5) encourage, in cooperation with appropriate public and private
 24 agencies and institutions, training and education in the field of historic
 25 preservation;

26 (6) review the policies and programs of Federal agencies and rec-
 27 ommend to Federal agencies methods to improve the effectiveness, co-
 28 ordination, and consistency of those policies and programs with the
 29 policies and programs carried out under this division; and

30 (7) inform and educate Federal agencies, State and local gov-
 31 ernments, Indian tribes, other nations and international organizations and
 32 private groups and individuals as to the Council's authorized activities.

33 (b) ANNUAL REPORT.—The Council annually shall submit to the Presi-
 34 dent a comprehensive report of its activities and the results of its studies
 35 and shall from time to time submit additional and special reports as it
 36 deems advisable. Each report shall propose legislative enactments and other
 37 actions as, in the judgment of the Council, are necessary and appropriate
 38 to carry out its recommendations and shall provide the Council's assessment
 39 of current and emerging problems in the field of historic preservation and
 40 an evaluation of the effectiveness of the programs of Federal agencies, State
 41 and local governments, and the private sector in carrying out this division.

1 **§ 2041.03. Cooperation between Council and instrumental-**
 2 **ities of executive branch of Federal Government**

3 The Council may secure directly from any Federal agency information,
 4 suggestions, estimates, and statistics for the purpose of this chapter. Each
 5 Federal agency may furnish information, suggestions, estimates, and statis-
 6 tics to the extent permitted by law and within available funds.

7 **§ 2041.04. Compensation of members of Council**

8 The members of the Council specified in paragraphs (2), (3), and (4) of
 9 section 2041.01(a) of this title shall serve without additional compensation.
 10 The other members of the Council shall receive \$100 per diem when en-
 11 gaged in the performance of the duties of the Council. All members of the
 12 Council shall receive reimbursement for necessary traveling and subsistence
 13 expenses incurred by them in the performance of the duties of the Council.

14 **§ 2041.05. Administration**

15 (a) EXECUTIVE DIRECTOR.—There shall be an Executive Director of the
 16 Council who shall be appointed in the competitive service by the Chairman
 17 with the concurrence of the Council. The Executive Director shall report di-
 18 rectly to the Council and perform such functions and duties as the Council
 19 may prescribe.

20 (b) GENERAL COUNSEL AND APPOINTMENT OF OTHER ATTORNEYS.—

21 (1) GENERAL COUNSEL.—The Council shall have a General Counsel,
 22 who shall be appointed by the Executive Director. The General Counsel
 23 shall report directly to the Executive Director and serve as the Coun-
 24 cil's legal advisor.

25 (2) APPOINTMENT OF OTHER ATTORNEYS.—The Executive Director
 26 shall appoint other attorneys as may be necessary to—

27 (A) assist the General Counsel;

28 (B) represent the Council in court when appropriate, including
 29 enforcement of agreements with Federal agencies to which the
 30 Council is a party;

31 (C) assist the Department of Justice in handling litigation con-
 32 cerning the Council in court; and

33 (D) perform such other legal duties and functions as the Execu-
 34 tive Director and the Council may direct.

35 (c) APPOINTMENT AND COMPENSATION OF OFFICERS AND EMPLOY-
 36 EES.—The Executive Director of the Council may appoint and fix the com-
 37 pensation of officers and employees in the competitive service who are nec-
 38 essary to perform the functions of the Council at rates not to exceed that
 39 prescribed for the highest rate for grade 15 of the General Schedule under
 40 section 5332 of title 5. The Executive Director, with the concurrence of the
 41 Chairman, may appoint and fix the compensation of not to exceed 5 employ-

ees in the competitive service at rates not to exceed that prescribed for a position classified above GS-15 pursuant to section 5108 of title 5.

(d) APPOINTMENT AND COMPENSATION OF ADDITIONAL PERSONNEL.—The Executive Director may appoint and fix the compensation of such additional personnel as may be necessary to carry out the Council's duties, without regard to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5.

(e) EXPERT AND CONSULTANT SERVICES.—The Executive Director may procure expert and consultant services in accordance with section 3109 of title 5.

(f) FINANCIAL AND ADMINISTRATIVE SERVICES.—

(1) SERVICES TO BE PROVIDED BY SECRETARY, AGENCY, OR PRIVATE ENTITY.—Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Secretary or, at the discretion of the Council, another agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed on by the Chairman of the Council and the head of the agency or the authorized representative of the private entity that will provide the services.

(2) FEDERAL AGENCY REGULATIONS RELATING TO COLLECTION APPLY.—When a Federal agency affords those services, the regulations of that agency under section 5514(b) of title 5 for the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of that agency under sections 1513(d) and 1514 of title 31 for the administrative control of funds shall apply to appropriations of the Council. The Council shall not be required to prescribe those regulations.

(g) FUNDS, PERSONNEL, FACILITIES, AND SERVICES.—

(1) PROVIDED BY FEDERAL AGENCY.—Any Federal agency may provide the Council, with or without reimbursement as may be agreed on by the Chairman and the agency, with such funds, personnel, facilities, and services under its jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that the funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. Any funds provided to the Council pursuant to this subsection shall be expended by the end of the fiscal year following the fiscal year in which the funds are received by the Council.

1 (2) OBTAINING ADDITIONAL PROPERTY, FACILITIES, AND SERVICES
2 AND RECEIVING DONATIONS OF MONEY.—To the extent of available ap-
3 propriations, the Council may obtain by purchase, rental, donation, or
4 otherwise additional property, facilities, and services as may be needed
5 to carry out its duties and may receive donations of money for that
6 purpose. The Executive Director may accept, hold, use, expend, and ad-
7 minister the property, facilities, services, and money for the purposes
8 of this division.

9 (h) RIGHTS, BENEFITS, AND PRIVILEGES OF TRANSFERRED EMPLOY-
10 EES.—Any employee in the competitive service of the United States trans-
11 ferred to the Council under this section shall retain all the rights, benefits,
12 and privileges pertaining to the competitive service held prior to the trans-
13 fer.

14 (i) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The
15 Council is exempt from the Federal Advisory Committee Act (5 U.S.C.
16 App.).

17 (j) PROVISIONS THAT GOVERN OPERATIONS OF COUNCIL.—Subchapter
18 II of chapter 5 and chapter 7 of title 5 shall govern the operations of the
19 Council.

20 **§ 2041.06. International Centre for the Study of the Preser-**
21 **vation and Restoration of Cultural Property**

22 (a) AUTHORIZATION OF PARTICIPATION.—The participation of the United
23 States as a member in the International Centre for the Study of the Preser-
24 vation and Restoration of Cultural Property is authorized.

25 (b) OFFICIAL DELEGATION.—The Council shall recommend to the Sec-
26 retary of State, after consultation with the Smithsonian Institution and
27 other public and private organizations concerned with the technical problems
28 of preservation, the members of the official delegation that will participate
29 in the activities of the International Centre for the Study of the Preserva-
30 tion and Restoration of Cultural Property on behalf of the United States.
31 The Secretary of State shall appoint the members of the official delegation
32 from the persons recommended to the Secretary of State by the Council.

33 **§ 2041.07. Transmittal of legislative recommendations, testi-**
34 **mony, or comments to any officer or agency of the**
35 **United States prior to submission to Congress**

36 No officer or agency of the United States shall have any authority to re-
37 quire the Council to submit its legislative recommendations, or testimony,
38 or comments on legislation to any officer or agency of the United States
39 for approval, comments, or review, prior to the submission of the rec-
40 ommendations, testimony, or comments to Congress. When the Council vol-
41 untarily seeks to obtain the comments or review of any officer or agency

1 of the United States, the Council shall include a description of the actions
 2 in its legislative recommendations, testimony, or comments on legislation
 3 that it transmits to Congress.

4 **§ 2041.08. Regulations, procedures, and guidelines**

5 (a) IN GENERAL.—The Council may promulgate regulations as it con-
 6 siders necessary to govern the implementation of section 2053.02 of this
 7 title.

8 (b) PARTICIPATION BY LOCAL GOVERNMENTS.—The Council shall by reg-
 9 ulation establish such procedures as may be necessary to provide for partici-
 10 pation by local governments in proceedings and other actions taken by the
 11 Council with respect to undertakings referred to in section 2053.02 of this
 12 title that affect the local governments.

13 (c) EXEMPTION FOR FEDERAL PROGRAMS OR UNDERTAKINGS.—The
 14 Council, with the concurrence of the Secretary, shall promulgate regulations
 15 or guidelines, as appropriate, under which Federal programs or under-
 16 takings may be exempted from any or all of the requirements of this divi-
 17 sion when the exemption is determined to be consistent with the purposes
 18 of this division, taking into consideration the magnitude of the exempted un-
 19 dertaking or program and the likelihood of impairment of historic prop-
 20 erties.

21 **§ 2041.09. Budget submission**

22 (a) TIME AND MANNER OF SUBMISSION.—The Council shall submit its
 23 budget annually as a related agency of the Department of the Interior.

24 (b) TRANSMITTAL OF COPIES TO CONGRESSIONAL COMMITTEES.—When-
 25 ever the Council submits any budget estimate or request to the President
 26 or the Office of Management and Budget, it shall concurrently transmit
 27 copies of that estimate or request to the Committee on Natural Resources
 28 and Committee on Appropriations of the House of Representatives and the
 29 Committee on Energy and Natural Resources and Committee on Appropria-
 30 tions of the Senate.

31 **§ 2041.10. Report by Secretary to Council**

32 To assist the Council in discharging its responsibilities under this divi-
 33 sion, the Secretary at the request of the Chairman shall provide a report
 34 to the Council detailing the significance of any historic property, describing
 35 the effects of any proposed undertaking on the affected property, and rec-
 36 ommending measures to avoid, minimize, or mitigate adverse effects.

37 **§ 2041.11. Reimbursements from State and local agencies**

38 Subject to applicable conflict of interest laws, the Council may receive re-
 39 imbursements from State and local agencies and others pursuant to agree-
 40 ments executed in furtherance of this division.

1 **§ 2041.12. Effectiveness of Federal grant and assistance pro-**
 2 **grams**

3 (a) COOPERATIVE AGREEMENTS.—The Council may enter into a coopera-
 4 tive agreement with any Federal agency that administers a grant or assist-
 5 ance program for the purpose of improving the effectiveness of the adminis-
 6 tration of the program in meeting the purposes and policies of this division.
 7 The cooperative agreement may include provisions that modify the selection
 8 criteria for a grant or assistance program to further the purposes of this
 9 division or that allow the Council to participate in the selection of recipients,
 10 if those provisions are not inconsistent with the grant or assistance pro-
 11 gram’s statutory authorization and purpose.

12 (b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The Council
 13 may—

14 (1) review the operation of any Federal grant or assistance program
 15 to evaluate the effectiveness of the program in meeting the purposes
 16 and policies of this division;

17 (2) make recommendations to the head of any Federal agency that
 18 administers the program to further the consistency of the program with
 19 the purposes and policies of this division and to improve its effective-
 20 ness in carrying out those purposes and policies; and

21 (3) make recommendations to the President and Congress regarding
 22 the effectiveness of Federal grant and assistance programs in meeting
 23 the purposes and policies of this division, including recommendations
 24 with regard to appropriate funding levels.

25 **§ 2041.13. Authorization of appropriations**

26 There are authorized to be appropriated such amounts as are necessary
 27 to carry out this chapter.

28 **CHAPTER 2043—HISTORIC LIGHT STATION**
 29 **PRESERVATION**

Sec.

2043.01. Definitions.

2043.02. Duties of Secretary in providing a national historic light station program.

2043.03. Selection of eligible entity and conveyance of historic light stations.

2043.04. Terms of conveyance.

2043.05. Description of property.

2043.06. Historic light station sales.

30 **§ 2043.01. Definitions**

31 In this chapter:

32 (1) ADMINISTRATOR.—The term “Administrator” means the Admin-
 33 istrator of General Services.

34 (2) ELIGIBLE ENTITY.—The term “eligible entity” means—

35 (A) any department or agency of the Federal Government; or

36 (B) any department or agency of the State in which a historic
 37 light station is located, the local government of the community in

1 which a historic light station is located, a nonprofit corporation,
 2 an educational agency, or a community development organization
 3 that—

4 (i) has agreed to comply with the conditions set forth in
 5 section 2043.04 of this title and to have the conditions re-
 6 corded with the deed of title to the historic light station; and

7 (ii) is financially able to maintain the historic light station
 8 in accordance with the conditions set forth in section 2043.04
 9 of this title.

10 (3) FEDERAL AID TO NAVIGATION.—

11 (A) IN GENERAL.—The term “Federal aid to navigation” means
 12 any device, operated and maintained by the United States, exter-
 13 nal to a vessel or aircraft, intended to assist a navigator to deter-
 14 mine position or safe course, or to warn of dangers or obstructions
 15 to navigation.

16 (B) INCLUSIONS.—The term “Federal aid to navigation” in-
 17 cludes a light, lens, lantern, antenna, sound signal, camera, sen-
 18 sor, piece of electronic navigation equipment, power source, or
 19 other piece of equipment associated with a device described in sub-
 20 paragraph (A).

21 (4) HISTORIC LIGHT STATION.—The term “historic light station” in-
 22 cludes the light tower, lighthouse, keeper’s dwelling, garages, storage
 23 sheds, oil house, fog signal building, boat house, barn, pumphouse,
 24 tramhouse support structures, piers, walkways, underlying and appur-
 25 tenant land and related real property and improvements associated
 26 with a historic light station that is a historic property.

27 **§ 2043.02. Duties of Secretary in providing a national his-**
 28 **toric light station program**

29 To provide a national historic light station program, the Secretary shall—

30 (1) collect and disseminate information concerning historic light sta-
 31 tions;

32 (2) foster educational programs relating to the history, practice, and
 33 contribution to society of historic light stations;

34 (3) sponsor or conduct research and study into the history of light
 35 stations;

36 (4) maintain a listing of historic light stations; and

37 (5) assess the effectiveness of the program established by this chap-
 38 ter regarding the conveyance of historic light stations.

1 **§ 2043.03. Selection of eligible entity and conveyance of his-**
 2 **toric light stations**

3 (a) PROCESS AND POLICIES.—The Secretary and the Administrator shall
 4 maintain a process and policies for identifying, and selecting, an eligible en-
 5 tity to which a historic light station could be conveyed for education, park,
 6 recreation, cultural, or historic preservation purposes, and to monitor the
 7 use of the light station by the eligible entity.

8 (b) APPLICATION REVIEW.—

9 (1) IN GENERAL.—The Secretary shall—

10 (A) review all applications for the conveyance of a historic light
 11 station, when the agency with administrative jurisdiction over the
 12 historic light station has determined the property to be excess
 13 property (as that term is defined in section 102 of title 40); and

14 (B) forward to the Administrator a single approved application
 15 for the conveyance of the historic light station.

16 (2) CONSULTATION.—When selecting an eligible entity, the Secretary
 17 shall consult with the State Historic Preservation Officer of the State
 18 in which the historic light station is located.

19 (c) CONVEYANCE OR SALE OF HISTORIC LIGHT STATIONS.—

20 (1) CONVEYANCE BY ADMINISTRATOR.—Except as provided in para-
 21 graph (2), after the Secretary's selection of an eligible entity, the Ad-
 22 ministrator shall convey, by quitclaim deed, without consideration, all
 23 right, title, and interest of the United States in and to a historic light
 24 station, subject to the conditions set forth in section 2043.04 of this
 25 title. The conveyance of a historic light station under this chapter shall
 26 not be subject to the McKinney-Vento Homeless Assistance Act (42
 27 U.S.C. 11301 et seq.) or section 416(d) of the Coast Guard Authoriza-
 28 tion Act of 1998 (Public Law 105–383, 14 U.S.C. 93 note).

29 (2) HISTORIC LIGHT STATION LOCATED WITHIN A SYSTEM UNIT OR
 30 A REFUGE WITHIN NATIONAL WILDLIFE REFUGE SYSTEM.—

31 (A) APPROVAL OF SECRETARY REQUIRED.—A historic light sta-
 32 tion located within the exterior boundaries of a System unit or a
 33 refuge within the National Wildlife Refuge System shall be con-
 34 veyed or sold only with the approval of the Secretary.

35 (B) CONDITIONS OF CONVEYANCE.—If the Secretary approves
 36 the conveyance of a historic light station described in subpara-
 37 graph (A), the conveyance shall be subject to the conditions set
 38 forth in section 2043.04 of this title and any other terms or condi-
 39 tions that the Secretary considers necessary to protect the re-
 40 sources of the System unit or wildlife refuge.

1 (C) CONDITIONS OF SALE.—If the Secretary approves the sale
 2 of a historic light station described in subparagraph (A), the sale
 3 shall be subject to the conditions set forth in paragraphs (1) to
 4 (4) and (8) of subsection (a), and subsection (b), of section
 5 2043.04 of this title and any other terms or conditions that the
 6 Secretary considers necessary to protect the resources of the Sys-
 7 tem unit or wildlife refuge.

8 (D) COOPERATIVE AGREEMENTS.—The Secretary is encouraged
 9 to enter into cooperative agreements with appropriate eligible enti-
 10 ties with respect to historic light stations described in subpara-
 11 graph (A), as provided in this division, to the extent that the coop-
 12 erative agreements are consistent with the Secretary’s responsibil-
 13 ities to manage and administer the System unit or wildlife refuge.

14 **§ 2043.04. Terms of conveyance**

15 (a) IN GENERAL.—The conveyance of a historic light station shall be
 16 made subject to any conditions, including the reservation of easements and
 17 other rights on behalf of the United States, that the Administrator con-
 18 siders necessary to ensure that—

19 (1) the Federal aids to navigation located at the historic light station
 20 in operation on the date of conveyance remain the personal property
 21 of the United States and continue to be operated and maintained by
 22 the United States for as long as needed for navigational purposes;

23 (2) there is reserved to the United States the right to remove, re-
 24 place, or install any Federal aid to navigation located at the historic
 25 light station as may be necessary for navigational purposes;

26 (3) the eligible entity to which the historic light station is conveyed
 27 shall not interfere or allow interference in any manner with any Fed-
 28 eral aid to navigation or hinder activities required for the operation and
 29 maintenance of any Federal aid to navigation without the express writ-
 30 ten permission of the head of the agency responsible for maintaining
 31 the Federal aid to navigation;

32 (4)(A) the eligible entity to which the historic light station is con-
 33 veyed shall, at its own cost and expense, use and maintain the historic
 34 light station in accordance with this division, the Secretary’s Standards
 35 for the Treatment of Historic Properties contained in part 68 of title
 36 36, Code of Federal Regulations, and other applicable laws; and

37 (B) any proposed changes to the historic light station shall be re-
 38 viewed and approved by the Secretary in consultation with the State
 39 Historic Preservation Officer of the State in which the historic light
 40 station is located, for consistency with section 800.5(a)(2)(vii) of title
 41 36, Code of Federal Regulations and the Secretary’s Standards for Re-

1 habilitation contained in section 67.7 of title 36, Code of Federal Regu-
2 lations;

3 (5) the eligible entity to which the historic light station is conveyed
4 shall make the historic light station available for education, park, recre-
5 ation, cultural, or historic preservation purposes for the general public
6 at reasonable times and under reasonable conditions;

7 (6) the eligible entity to which the historic light station is conveyed
8 shall not sell, convey, assign, exchange, or encumber the historic light
9 station, any part of the historic light station, or any associated historic
10 artifact conveyed to the eligible entity in conjunction with the historic
11 light station conveyance, including any lens or lantern, unless the sale,
12 conveyance, assignment, exchange, or encumbrance is approved by the
13 Secretary;

14 (7) the eligible entity to which the historic light station is conveyed
15 shall not conduct any commercial activity at the historic light station,
16 at any part of the historic light station, or in connection with any asso-
17 ciated historic artifact conveyed to the eligible entity in conjunction
18 with the historic light station conveyance, in any manner, unless the
19 commercial activity is approved by the Secretary; and

20 (8) the United States shall have the right, at any time, to enter the
21 historic light station without notice, for purposes of operating, main-
22 taining, and inspecting any aid to navigation and for the purpose of
23 ensuring compliance with this section, to the extent that it is not pos-
24 sible to provide advance notice.

25 (b) MAINTENANCE OF AID TO NAVIGATION.—Any eligible entity to which
26 a historic light station is conveyed shall not be required to maintain any
27 Federal aid to navigation associated with a historic light station, except any
28 private aid to navigation permitted to the eligible entity under section 83
29 of title 14.

30 (c) REVERSION.—In addition to any term or condition established pursu-
31 ant to this section, the conveyance of a historic light station shall include
32 a condition that the historic light station, or any associated historic artifact
33 conveyed to the eligible entity in conjunction with the historic light station
34 conveyance, including any lens or lantern, at the option of the Adminis-
35 trator, shall revert to the United States and be placed under the administra-
36 tive control of the Administrator, if—

37 (1) the historic light station, any part of the historic light station,
38 or any associated historic artifact ceases to be available for education,
39 park, recreation, cultural, or historic preservation purposes for the gen-
40 eral public at reasonable times and under reasonable conditions that
41 shall be set forth in the eligible entity's application;

1 (2) the historic light station or any part of the historic light station
 2 ceases to be maintained in a manner that ensures its present or future
 3 use as a site for a Federal aid to navigation;

4 (3) the historic light station, any part of the historic light station,
 5 or any associated historic artifact ceases to be maintained in compli-
 6 ance with this division, the Secretary of the Interior's Standards for
 7 the Treatment of Historic Properties contained in part 68 of title 36,
 8 Code of Federal Regulations, and other applicable laws;

9 (4) the eligible entity to which the historic light station is conveyed
 10 sells, conveys, assigns, exchanges, or encumbers the historic light sta-
 11 tion, any part of the historic light fixture, or any associated historic
 12 artifact, without approval of the Secretary;

13 (5) the eligible entity to which the historic light station is conveyed
 14 conducts any commercial activity at the historic light station, at any
 15 part of the historic light station, or in conjunction with any associated
 16 historic artifact, without approval of the Secretary; or

17 (6) at least 30 days before the reversion, the Administrator provides
 18 written notice to the owner that the historic light station or any part
 19 of the historic light station is needed for national security purposes.

20 (d) LIGHT STATIONS ORIGINALLY CONVEYED UNDER OTHER AUTHOR-
 21 ITY.—On receiving notice of an executed or intended conveyance by an
 22 owner that received from the Federal Government under authority other
 23 than this division an historic light station in which the United States retains
 24 a reversionary or other interest and that is conveying it to another person
 25 by sale, gift, or any other manner, the Secretary shall review the terms of
 26 the executed or proposed conveyance to ensure that any new owner is capa-
 27 ble of or is complying with any and all conditions of the original conveyance.
 28 The Secretary may require the parties to the conveyance and relevant Fed-
 29 eral agencies to provide information as is necessary to complete the review.
 30 If the Secretary determines that the new owner has not complied or is un-
 31 able to comply with those conditions, the Secretary shall immediately advise
 32 the Administrator, who shall invoke any reversionary interest or take other
 33 action as may be necessary to protect the interests of the United States.

34 **§ 2043.05. Description of property**

35 (a) IN GENERAL.—The Administrator shall prepare the legal description
 36 of any historic light station conveyed under this chapter. The Administrator,
 37 in consultation with the Secretary of Homeland Security and the Secretary,
 38 may retain all right, title, and interest of the United States in and to any
 39 historical artifact, including any lens or lantern, that is associated with the
 40 historic light station and located at the historic light station at the time of
 41 conveyance. Wherever possible, the historical artifacts should be used in in-

1 interpreting the historic light station. In cases where there is no method for
 2 preserving lenses and other artifacts and equipment in situ, priority should
 3 be given to preservation or museum entities most closely associated with the
 4 historic light station, if they meet loan requirements.

5 (b) ARTIFACTS.—Artifacts associated with, but not located at, a historic
 6 light station at the time of conveyance shall remain the property of the
 7 United States under the administrative control of the Secretary of Home-
 8 land Security.

9 (c) COVENANTS.—All conditions placed with the quitclaim deed of title to
 10 the historic light station shall be construed as covenants running with the
 11 land.

12 (d) SUBMERGED LAND.—No submerged land shall be conveyed under this
 13 chapter.

14 **§ 2043.06. Historic light station sales**

15 (a) IN GENERAL.—

16 (1) WHEN SALE MAY OCCUR.—If no applicant is approved for the
 17 conveyance of a historic light station pursuant to sections 2043.01 to
 18 2043.05 of this title, the historic light station shall be offered for sale.

19 (2) TERMS OF SALE.—Terms of the sales—

20 (A) shall be developed by the Administrator; and

21 (B) shall be consistent with the requirements of paragraphs (1)
 22 to (4) and (8) of subsection (a), and subsection (b), of section
 23 2043.04 of this title.

24 (3) COVENANTS TO BE INCLUDED IN CONVEYANCE DOCUMENTS.—

25 Conveyance documents shall include all necessary covenants to protect
 26 the historical integrity of the historic light station and ensure that any
 27 Federal aid to navigation located at the historic light station is oper-
 28 ated and maintained by the United States for as long as needed for
 29 that purpose.

30 (b) NET SALE PROCEEDS.—

31 (1) DISPOSITION AND USE OF FUNDS.—Net sale proceeds from the
 32 disposal of a historic light station—

33 (A) located on public domain land shall be transferred to the
 34 National Maritime Heritage Grants Program established under
 35 chapter 283 of this title in the Department of the Interior; and

36 (B) under the administrative control of the Secretary of Home-
 37 land Security—

38 (i) shall be credited to the Coast Guard's Operating Ex-
 39 penses appropriation account; and

1 (ii) shall be available for obligation and expenditure for the
 2 maintenance of light stations remaining under the adminis-
 3 trative control of the Secretary of Homeland Security.

4 (2) AVAILABILITY OF FUNDS.—The funds referred to in paragraph
 5 (1)(B) shall remain available until expended and shall be available in
 6 addition to funds available in the Coast Guard’s Operating Expense ap-
 7 propriation for that purpose.

8 **CHAPTER 2045—NATIONAL CENTER FOR**
 9 **PRESERVATION TECHNOLOGY AND TRAINING**

Sec.

2045.01. Findings.

2045.02. Definitions.

2045.03. National Center for Preservation Technology and Training.

2045.04. Preservation Technology and Training Board.

2045.05. Preservation grants.

2045.06. General provisions.

2045.07. Service preservation centers and offices.

10 **§ 2045.01. Findings**

11 Congress finds that, given the complexity of technical problems encoun-
 12 tered in preserving historic properties and the lack of adequate distribution
 13 of technical information to preserve historic properties, a national initiative
 14 to coordinate and promote research, distribute information, and provide
 15 training about preservation skills and technologies would be beneficial.

16 **§ 2045.02. Definitions**

17 In this chapter:

18 (1) BOARD.—The term “Board” means the Preservation Technology
 19 and Training Board established pursuant to section 2045.04 of this
 20 title.

21 (2) CENTER.—The term “Center” means the National Center for
 22 Preservation Technology and Training established pursuant to section
 23 2045.03 of this title.

24 **§ 2045.03. National Center for Preservation Technology and**
 25 **Training**

26 (a) ESTABLISHMENT.—There is established within the Department of the
 27 Interior a National Center for Preservation Technology and Training. The
 28 Center shall be located at Northwestern State University of Louisiana in
 29 Natchitoches, Louisiana.

30 (b) PURPOSES.—The purposes of the Center shall be to—

31 (1) develop and distribute preservation and conservation skills and
 32 technologies for the identification, evaluation, conservation, and inter-
 33 pretation of historic properties;

34 (2) develop and facilitate training for Federal, State, and local re-
 35 source preservation professionals, cultural resource managers, mainte-
 36 nance personnel, and others working in the preservation field;

1 (3) take steps to apply preservation technology benefits from ongoing
2 research by other agencies and institutions;

3 (4) facilitate the transfer of preservation technology among Federal
4 agencies, State and local governments, universities, international orga-
5 nizations, and the private sector; and

6 (5) cooperate with related international organizations including the
7 International Council on Monuments and Sites, the International Cen-
8 ter for the Study of Preservation and Restoration of Cultural Property,
9 and the International Council on Museums.

10 (e) PROGRAMS.—The purposes shall be carried out through research, pro-
11 fessional training, technical assistance, and programs for public awareness,
12 and through a program of grants established under section 2045.05 of this
13 title.

14 (d) EXECUTIVE DIRECTOR.—The Center shall be headed by an Executive
15 Director with demonstrated expertise in historic preservation appointed by
16 the Secretary with advice of the Board.

17 (e) ASSISTANCE FROM SECRETARY.—The Secretary shall provide the
18 Center assistance in obtaining such personnel, equipment, and facilities as
19 may be needed by the Center to carry out its activities.

20 **§ 2045.04. Preservation Technology and Training Board**

21 (a) ESTABLISHMENT.—There is established a Preservation Technology
22 and Training Board.

23 (b) DUTIES.—The Board shall—

24 (1) provide leadership, policy advice, and professional oversight to
25 the Center;

26 (2) advise the Secretary on priorities and the allocation of grants
27 among the activities of the Center; and

28 (3) submit an annual report to the President and Congress.

29 (c) MEMBERSHIP.—The Board shall be comprised of—

30 (1) the Secretary;

31 (2) 6 members appointed by the Secretary, who shall represent ap-
32 propriate Federal, State, and local agencies, State and local historic
33 preservation commissions, and other public and international organiza-
34 tions; and

35 (3) 6 members appointed by the Secretary on the basis of out-
36 standing professional qualifications, who represent major organizations
37 in the fields of archaeology, architecture, conservation, curation, engi-
38 neering, history, historic preservation, landscape architecture, planning,
39 or preservation education.

1 **§ 2045.05. Preservation grants**

2 (a) IN GENERAL.—The Secretary, in consultation with the Board, shall
3 provide preservation technology and training grants to eligible applicants
4 with a demonstrated institutional capability and commitment to the pur-
5 poses of the Center, in order to ensure an effective and efficient system of
6 research, information distribution, and skills training in all the related his-
7 toric preservation fields.

8 (b) GRANT REQUIREMENTS.—

9 (1) ALLOCATION.—Grants provided under this section shall be allo-
10 cated in such a fashion as to reflect the diversity of the historic preser-
11 vation fields and shall be geographically distributed.

12 (2) LIMIT ON AMOUNT A RECIPIENT MAY RECEIVE.—No grant recipi-
13 ent may receive more than 10 percent of the grants allocated under
14 this section within any year.

15 (3) LIMIT ON ADMINISTRATIVE COSTS.—The total administrative
16 costs, direct and indirect, charged for carrying out grants under this
17 section may not exceed 25 percent of the aggregate costs.

18 (c) ELIGIBLE APPLICANTS.—Eligible applicants may include—

19 (1) Federal and non-Federal laboratories;

20 (2) accredited museums;

21 (3) universities;

22 (4) nonprofit organizations;

23 (5) System units and offices and Cooperative Park Study Units of
24 the System;

25 (6) State Historic Preservation Offices;

26 (7) tribal preservation offices; and

27 (8) Native Hawaiian organizations.

28 (d) STANDARDS AND METHODS.—Grants shall be awarded in accordance
29 with accepted professional standards and methods, including peer review of
30 projects.

31 **§ 2045.06. General provisions**

32 (a) ACCEPTANCE OF GRANTS AND TRANSFERS.—The Center may ac-
33 cept—

34 (1) grants and donations from private individuals, groups, organiza-
35 tions, corporations, foundations, and other entities; and

36 (2) transfers of funds from other Federal agencies.

37 (b) CONTRACTS AND COOPERATIVE AGREEMENTS.—Subject to appropria-
38 tions, the Center may enter into contracts and cooperative agreements with
39 Federal, State, local, and tribal governments, Native Hawaiian organiza-
40 tions, educational institutions, and other public entities to carry out the
41 Center's responsibilities under this chapter.

(c) ADDITIONAL FUNDS.—Funds appropriated for the Center shall be in addition to funds appropriated for Service programs, centers, and offices in existence on October 30, 1992.

§ 2045.07. Service preservation centers and offices

To improve the use of existing Service resources, the Secretary shall fully utilize and further develop the Service preservation (including conservation) centers and regional offices. The Secretary shall improve the coordination of the centers and offices within the Service, and shall, where appropriate, coordinate their activities with the Center and with other appropriate parties.

Subdivision 4—Federal Responsibilities

CHAPTER 2051.—HISTORIC PROPERTIES

Subchapter I—Historic Properties Owned or Controlled by Federal Agencies

Sec.

- 2051.01. Assumption of responsibility for preservation of historic properties.
- 2051.02. Preservation program.
- 2051.03. Records on historic properties to be altered or demolished.
- 2051.04. Agency Preservation Officer.
- 2051.05. Agency programs and projects.
- 2051.06. Review of plans of transferees of surplus federally owned historic properties.
- 2051.07. Planning and actions to minimize harm to National Historic Landmarks.
- 2051.08. Costs of preservation as eligible project costs.
- 2051.09. Annual preservation awards program.
- 2051.10. Environmental impact statement.
- 2051.11. Waiver of provisions in event of natural disaster or imminent threat to national security.
- 2051.12. Assistance for adversely affected historic property.
- 2051.13. Documentation of decisions respecting undertakings.

Subchapter II—Lease, Exchange, or Management of Historic Property

- 2051.21. Lease or exchange.
- 2051.22. Contracts for management of historic property.

Subchapter III—Protection and Preservation of Resources

- 2051.31. Standards and guidelines.
- 2051.32. Access to information.

Subchapter I—Historic Properties Owned or Controlled by Federal Agencies

§ 2051.01. Assumption of responsibility for preservation of historic properties

(a) IN GENERAL.—

(1) AGENCY HEAD RESPONSIBILITY.—The head of each Federal agency shall assume responsibility for the preservation of historic properties that are owned or controlled by the agency.

(2) USE OF AVAILABLE HISTORIC PROPERTIES.—Prior to acquiring, constructing, or leasing a building for purposes of carrying out agency responsibilities, a Federal agency shall use, to the maximum extent feasible, historic properties available to the agency, in accordance with Executive Order No. 13006 (40 U.S.C. 3306 note).

1 (3) NECESSARY PRESERVATION.—Each Federal agency shall under-
 2 take, consistent with the preservation of historic properties, the mission
 3 of the agency, and the professional standards established pursuant to
 4 subsection (c), any preservation as may be necessary to carry out this
 5 chapter.

6 (b) GUIDELINES FOR FEDERAL AGENCY RESPONSIBILITY FOR AGENCY-
 7 OWNED HISTORIC PROPERTIES.—In consultation with the Council, the Sec-
 8 retary shall promulgate guidelines for Federal agency responsibilities under
 9 this subchapter.

10 (c) PROFESSIONAL STANDARDS FOR PRESERVATION OF FEDERALLY
 11 OWNED OR CONTROLLED HISTORIC PROPERTIES.—The Secretary shall
 12 maintain, in consultation with the Secretary of Agriculture, the Secretary
 13 of Defense, the Smithsonian Institution, and the Administrator of General
 14 Services, professional standards for the preservation of historic properties
 15 in Federal ownership or control.

16 **§ 2051.02. Preservation program**

17 (a) ESTABLISHMENT.—Each Federal agency (except an agency that is ex-
 18 empted pursuant to section 2041.08(e) of this title) shall establish, in con-
 19 sultation with the Secretary, a preservation program for the identification,
 20 evaluation, and nomination to the National Register, and protection, of his-
 21 toric properties.

22 (b) REQUIREMENTS.—The program shall ensure that—

23 (1) historic properties under the jurisdiction or control of the agency
 24 are identified, evaluated, and nominated to the National Register;

25 (2) historic properties under the jurisdiction or control of the agency
 26 are managed and maintained in a way that considers the preservation
 27 of their historic, archaeological, architectural, and cultural values in
 28 compliance with section 2053.02 of this title and gives special consider-
 29 ation to the preservation of those values in the case of properties des-
 30 ignated as having national significance;

31 (3) the preservation of properties not under the jurisdiction or con-
 32 trol of the agency but potentially affected by agency actions are given
 33 full consideration in planning;

34 (4) the agency's preservation-related activities are carried out in con-
 35 sultation with other Federal, State, and local agencies, Indian tribes,
 36 Native Hawaiian organizations carrying out historic preservation plan-
 37 ning activities, and the private sector; and

38 (5) the agency's procedures for compliance with section 2053.02 of
 39 this title—

40 (A) are consistent with regulations promulgated by the Council
 41 pursuant to section 2041.08(a) and (b) of this title;

1 (B) provide a process for the identification and evaluation of
 2 historic properties for listing in the National Register and the de-
 3 velopment and implementation of agreements, in consultation with
 4 State Historic Preservation Officers, local governments, Indian
 5 tribes, Native Hawaiian organizations, and the interested public,
 6 as appropriate, regarding the means by which adverse effects on
 7 historic properties will be considered; and

8 (C) provide for the disposition of Native American cultural
 9 items from Federal or tribal land in a manner consistent with sec-
 10 tion 3(c) of the Native American Graves Protection and Repatri-
 11 ation Act (25 U.S.C. 3002(c)).

12 **§ 2051.03. Records on historic properties to be altered or de-**
 13 **molished**

14 Each Federal agency shall initiate measures to ensure that where, as a
 15 result of Federal action or assistance carried out by the agency, a historic
 16 property is to be substantially altered or demolished—

17 (1) timely steps are taken to make or have made appropriate
 18 records; and

19 (2) the records are deposited, in accordance with section 2023.06 of
 20 this title, in the Library of Congress or with such other appropriate
 21 agency as the Secretary may designate, for future use and reference.

22 **§ 2051.04. Agency Preservation Officer**

23 The head of each Federal agency (except an agency that is exempted
 24 under section 2041.08(c) of this title) shall designate a qualified official to
 25 be known as the agency's Preservation Officer who shall be responsible for
 26 coordinating the agency's activities under this division. Each Preservation
 27 Officer may, to be considered qualified, satisfactorily complete an appro-
 28 priate training program established by the Secretary under section
 29 2051.01(c) of this title.

30 **§ 2051.05. Agency programs and projects**

31 Consistent with the agency's missions and mandates, each Federal agency
 32 shall carry out agency programs and projects (including those under which
 33 any Federal assistance is provided or any Federal license, permit, or other
 34 approval is required) in accordance with the purposes of this division and
 35 give consideration to programs and projects that will further the purposes
 36 of this division.

37 **§ 2051.06. Review of plans of transferees of surplus federally**
 38 **owned historic properties**

39 The Secretary shall review and approve the plans of transferees of surplus
 40 federally owned historic properties not later than 90 days after receipt of

1 the plans to ensure that the prehistorical, historical, architectural, or cul-
 2 turally significant values will be preserved or enhanced.

3 **§ 2051.07. Planning and actions to minimize harm to Na-**
 4 **tional Historic Landmarks**

5 Prior to the approval of any Federal undertaking that may directly and
 6 adversely affect any National Historic Landmark, the head of the respon-
 7 sible Federal agency shall—

8 (1) to the maximum extent possible, undertake such planning and
 9 actions as may be necessary to minimize harm to the landmark; and

10 (2) afford the Council a reasonable opportunity to comment on the
 11 undertaking.

12 **§ 2051.08. Costs of preservation as eligible project costs**

13 A Federal agency may include the costs of preservation activities of the
 14 agency under this division as eligible project costs in all undertakings of the
 15 agency or assisted by the agency. The eligible project costs may include
 16 amounts paid by a Federal agency to a State to be used in carrying out
 17 the preservation responsibilities of the Federal agency under this division,
 18 and reasonable costs may be charged to Federal licensees and permittees
 19 as a condition to the issuance of the license or permit.

20 **§ 2051.09. Annual preservation awards program**

21 The Secretary shall establish an annual preservation awards program
 22 under which the Secretary may make monetary awards in amounts of not
 23 to exceed \$1,000 and provide citations for special achievement to officers
 24 and employees of Federal, State, and certified local governments in recogni-
 25 tion of their outstanding contributions to the preservation of historic re-
 26 sources. The program may include the issuance of annual awards by the
 27 President to any citizen of the United States recommended for the award
 28 by the Secretary.

29 **§ 2051.10. Environmental impact statement**

30 Nothing in this division shall be construed to—

31 (1) require the preparation of an environmental impact statement
 32 where the statement would not otherwise be required under the Na-
 33 tional Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

34 (2) provide any exemption from any requirement respecting the prep-
 35 aration of an environmental impact statement under that Act.

36 **§ 2051.11. Waiver of provisions in event of natural disaster**
 37 **or imminent threat to national security**

38 The Secretary shall promulgate regulations under which the requirements
 39 of this chapter may be waived in whole or in part in the event of a major
 40 natural disaster or an imminent threat to national security.

1 **§ 2051.12. Assistance for adversely affected historic property**

2 Each Federal agency shall ensure that the agency will not grant a loan,
3 loan guarantee, permit, license, or other assistance to an applicant that,
4 with intent to avoid the requirements of section 2053.02 of this title, has
5 intentionally significantly adversely affected a historic property to which the
6 grant would relate, or having legal power to prevent it, has allowed the sig-
7 nificant adverse effect to occur, unless the agency, after consultation with
8 the Council, determines that circumstances justify granting the assistance
9 despite the adverse effect created or permitted by the applicant.

10 **§ 2051.13. Documentation of decisions respecting under-**
11 **takings**

12 With respect to any undertaking subject to section 2053.02 of this title
13 that adversely affects any property included in or eligible for inclusion on
14 the National Register, and for which a Federal agency has not entered into
15 an agreement pursuant to regulations issued by the Council, the head of the
16 agency shall document any decision made pursuant to section 2053.02 of
17 this title. The head of the agency may not delegate responsibilities pursuant
18 to that section. Where a memorandum of agreement under section 2053.02
19 of this title has been executed with respect to an undertaking, the memo-
20 randum shall govern the undertaking and all of its parts.

21 **Subchapter II—Lease, Exchange, or Management of Historic**
22 **Property**

23 **§ 2051.21. Lease or exchange**

24 (a) AUTHORITY TO LEASE OR EXCHANGE.—Notwithstanding any other
25 provision of law, each Federal agency, after consultation with the Council—

26 (1) shall, to the extent practicable, establish and implement alter-
27 natives (including adaptive use) for historic properties that are not
28 needed for current or projected agency purposes; and

29 (2) may lease a historic property owned by the agency to any person
30 or organization, or exchange any property owned by the agency with
31 comparable historic property, if the agency head determines that the
32 lease or exchange will adequately ensure the preservation of the historic
33 property.

34 (b) PROCEEDS OF LEASE.—Notwithstanding any other provision of law,
35 the proceeds of any lease under subsection (a) may be retained by the agen-
36 cy entering into the lease and used to defray the costs of administration,
37 maintenance, repair, and related expenses incurred by the agency with re-
38 spect to that property or other properties that are on the National Register
39 that are owned by, or are under the jurisdiction or control of, the agency.
40 Any surplus proceeds from the leases shall be deposited in the Treasury at

1 the end of the second fiscal year following the fiscal year in which the pro-
 2 ceeds were received.

3 **§ 2051.22. Contracts for management of historic property**

4 The head of any Federal agency having responsibility for the management
 5 of any historic property may, after consultation with the Council, enter into
 6 a contract for the management of the property. The contract shall contain
 7 terms and conditions that the head of the agency considers necessary or ap-
 8 propriate to protect the interests of the United States and ensure adequate
 9 preservation of the historic property.

10 **Subchapter III—Protection and Preservation of Resources**

11 **§ 2051.31. Standards and guidelines**

12 (a) STANDARDS.—

13 (1) IN GENERAL.—Each Federal agency that is responsible for the
 14 protection of historic property (including archaeological property) pur-
 15 suant to this division or any other law shall ensure that—

16 (A) all actions taken by employees or contractors of the agency
 17 meet professional standards under regulations developed by the
 18 Secretary in consultation with the Council, other affected agencies,
 19 and the appropriate professional societies of archaeology, architec-
 20 ture, conservation, history, landscape architecture, and planning;

21 (B) agency personnel or contractors responsible for historic
 22 properties meet qualification standards established by the Office of
 23 Personnel Management in consultation with the Secretary and ap-
 24 propriate professional societies of archaeology, architecture, con-
 25 servation, curation, history, landscape architecture, and planning;
 26 and

27 (C) records and other data, including data produced by histor-
 28 ical research and archaeological surveys and excavations, are per-
 29 manently maintained in appropriate databases and made available
 30 to potential users pursuant to such regulations as the Secretary
 31 shall promulgate.

32 (2) CONSIDERATIONS.—The standards referred to in paragraph
 33 (1)(B) shall consider the particular skills and expertise needed for the
 34 preservation of historic properties and shall be equivalent requirements
 35 for the disciplines involved.

36 (b) GUIDELINES.—To promote the preservation of historic property eligi-
 37 ble for listing on the National Register, the Secretary shall, in consultation
 38 with the Council, promulgate guidelines to ensure that Federal, State, and
 39 tribal historic preservation programs subject to this division include plans
 40 to—

1 (1) provide information to the owners of historic property with dem-
 2 onstrated or likely research significance, about the need for protection
 3 of the historic property, and the available means of protection;

4 (2) encourage owners to preserve historic property intact and in
 5 place and offer the owners of the historic property information on the
 6 tax and grant assistance available for the donation of the historic prop-
 7 erty or of a preservation easement of the historic property;

8 (3) encourage the protection of Native American cultural items
 9 (within the meaning of section 2 of the Native American Graves Pro-
 10 tection and Repatriation Act (25 U.S.C. 3001)) and of properties of
 11 religious or cultural importance to Indian tribes, Native Hawaiians, or
 12 other Native American groups; and

13 (4) encourage owners that are undertaking archaeological exca-
 14 vations to—

15 (A) conduct excavations and analyses that meet standards for
 16 federally-sponsored excavations established by the Secretary;

17 (B) donate or lend artifacts of research significance to an ap-
 18 propriate research institution;

19 (C) allow access to artifacts for research purposes; and

20 (D) prior to excavating or disposing of a Native American cul-
 21 tural item in which an Indian tribe or Native Hawaiian organiza-
 22 tion may have an interest under subparagraph (B) or (C) of sec-
 23 tion 3(a)(2) of the Native American Graves Protection and Repa-
 24 triation Act (25 U.S.C. 3002(a)(2)(B), (C)), give notice to and
 25 consult with the Indian tribe or Native Hawaiian organization.

26 **§ 2051.32. Access to information**

27 (a) **AUTHORITY TO WITHHOLD FROM DISCLOSURE.**—The head of a Fed-
 28 eral agency, or other public official receiving grant assistance pursuant to
 29 this division, after consultation with the Secretary, shall withhold from dis-
 30 closure to the public information about the location, character, or ownership
 31 of a historic property if the Secretary and the agency determine that disclo-
 32 sure may—

33 (1) cause a significant invasion of privacy;

34 (2) risk harm to the historic property; or

35 (3) impede the use of a traditional religious site by practitioners.

36 (b) **ACCESS DETERMINATION.**—When the head of a Federal agency or
 37 other public official determines that information should be withheld from
 38 the public pursuant to subsection (a), the Secretary, in consultation with
 39 the Federal agency head or official, shall determine who may have access
 40 to the information for the purpose of carrying out this division.

1 (e) CONSULTATION WITH COUNCIL.—When information described in sub-
 2 section (a) has been developed in the course of an agency’s compliance with
 3 section 2051.07 or 2053.02 of this title, the Secretary shall consult with the
 4 Council in reaching determinations under subsections (a) and (b).

5 **CHAPTER 2053—UNDERTAKINGS**

Sec.

2053.01. Undertakings outside United States.

2053.02. Effect of undertakings on historic property.

6 **§ 2053.01. Undertakings outside United States**

7 Prior to the approval of any undertaking outside the United States that
 8 may directly and adversely affect a property that is on the World Heritage
 9 List or on the applicable country’s equivalent of the National Register, the
 10 head of a Federal agency having direct or indirect jurisdiction over the un-
 11 dertaking shall take into account the effect of the undertaking on the prop-
 12 erty for purposes of avoiding or mitigating any adverse effect.

13 **§ 2053.02. Effect of undertakings on historic property**

14 The head of any Federal agency having direct or indirect jurisdiction over
 15 a proposed undertaking in any State and the head of any Federal depart-
 16 ment or independent agency having authority to license any undertaking
 17 shall, prior to the approval of the expenditure of any Federal funds on the
 18 undertaking or prior to the issuance of any license, as the case may be, take
 19 into account the effect of the undertaking on any historic property. The
 20 head of the Federal agency shall afford the Council a reasonable oppor-
 21 tunity to comment with regard to the undertaking.

22 **CHAPTER 2055—FINANCING**

Subchapter I—Financial Assistance

Sec.

2055.01. Awarding grant funds.

2055.02. Grants to National Trust.

2055.03. Apportionment of grant funds.

2055.04. Loan insurance program for preservation of property included on National Register.

2055.05. Recordkeeping.

Subchapter II—Sources of Funds

2055.11. Historic Preservation Fund.

2055.12. Acceptance by Secretary of privately donated funds.

23 **Subchapter I—Financial Assistance**

24 **§ 2055.01. Awarding grant funds**

25 (a) CONDITIONS.—

26 (1) IN GENERAL.—No grant may be made under this division—

27 (A) unless application for the grant is submitted to the Sec-
 28 retary in accordance with regulations and procedures prescribed by
 29 the Secretary;

30 (B) unless the application is in accordance with the comprehen-
 31 sive statewide historic preservation plan that has been approved by
 32 the Secretary after considering its relationship to the comprehen-

1 sive statewide outdoor recreation plan prepared pursuant to chap-
2 ter 1053;

3 (C) for more than 60 percent of the aggregate costs of carrying
4 out projects and programs under the administrative control of the
5 State Historic Preservation Officer as specified in section 2025.03
6 of this title in any one fiscal year;

7 (D) unless the grantee has agreed to make reports, in such form
8 and containing such information, as the Secretary may from time
9 to time require;

10 (E) unless the grantee has agreed to assume, after completion
11 of the project, the total cost of the continued maintenance, repair,
12 and administration of the property in a manner satisfactory to the
13 Secretary; and

14 (F) until the grantee has complied with such further terms and
15 conditions as the Secretary may consider necessary or advisable.

16 (2) SOURCE OF STATE SHARE OF COSTS.—Except as permitted by
17 other law, the State share of the costs referred to in paragraph (1)(C)
18 shall be contributed by non-Federal sources.

19 (b) GRANT NOT TREATED AS TAXABLE INCOME.—Notwithstanding any
20 other provision of law, no grant made pursuant to this division shall be
21 treated as taxable income for purposes of the Internal Revenue Code of
22 1986 (26 U.S.C. 1 et seq.).

23 (c) WAIVER.—The Secretary may waive the requirements of subpara-
24 graphs (B) and (E) of subsection (a)(1) for any grant under this division
25 to the National Trust.

26 (d) RESTRICTION ON USE OF REAL PROPERTY TO MEET NON-FEDERAL
27 SHARE OF COST OF PROJECT.—No State shall be permitted to utilize the
28 value of real property obtained before October 15, 1966, in meeting the
29 non-Federal share of the cost of a project for which a grant is made under
30 this division.

31 (e) AVAILABILITY.—The Secretary shall make funding available to indi-
32 vidual States and the National Trust as soon as practicable after execution
33 of a grant agreement. For purposes of administration, grants to individual
34 States and the National Trust each shall be deemed to be one grant and
35 shall be administered by the Service as one grant.

36 (f) ADMINISTRATIVE COSTS.—The total administrative costs, direct and
37 indirect, charged for carrying out State projects and programs may not ex-
38 ceed 25 percent of the aggregate costs except in the case of a grant under
39 section 2031.01(b) of this title.

1 **§ 2055.02. Grants to National Trust**

2 The Secretary of Housing and Urban Development may make grants to
3 the National Trust, on terms and conditions and in amounts (not exceeding
4 \$90,000 with respect to any one structure) as the Secretary of Housing and
5 Urban Development considers appropriate, to cover the costs incurred by
6 the National Trust in renovating or restoring structures that the National
7 Trust considers to be of historic or architectural value and that the National
8 Trust has accepted and will maintain (after the renovation or restoration)
9 for historic purposes.

10 **§ 2055.03. Apportionment of grant funds**

11 (a) BASES FOR APPORTIONMENT.—The amounts appropriated and made
12 available for grants to the States—

13 (1) for the purposes of this division shall be apportioned among the
14 States by the Secretary on the basis of needs as determined by the Sec-
15 retary; and

16 (2) for projects and programs under this division for each fiscal year
17 shall be apportioned among the States as the Secretary determines to
18 be appropriate.

19 (b) NOTIFICATION.—The Secretary shall notify each State of its appor-
20 tionment under subsection (a)(2) within 30 days after the date of enactment
21 of legislation appropriating funds under this division.

22 (c) REAPPORTIONMENT.—Any amount of any apportionment that has not
23 been paid or obligated by the Secretary during the fiscal year in which the
24 notification is given or during the 2 fiscal years after that fiscal year shall
25 be reapportioned by the Secretary in accordance with subsection (a)(2). The
26 Secretary shall analyze and revise as necessary the method of appor-
27 tionment. The method and any revision shall be published by the Secretary in
28 the Federal Register.

29 (d) TRANSFER OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.—Not
30 less than 10 percent of the annual apportionment distributed by the Sec-
31 retary to each State for the purposes of carrying out this division shall be
32 transferred by the State, pursuant to the requirements of this division, to
33 certified local governments for historic preservation projects or programs of
34 the certified local governments. In any year in which the total annual appor-
35 tionment to the States exceeds \$65,000,000, 50 percent of the excess shall
36 also be transferred by the States to certified local governments.

37 (e) GUIDELINES FOR USE AND DISTRIBUTION OF FUNDS TO CERTIFIED
38 LOCAL GOVERNMENTS.—The Secretary shall establish guidelines for the use
39 and distribution of funds under subsection (d) to ensure that no certified
40 local government receives a disproportionate share of the funds available,
41 and may include a maximum or minimum limitation on the amount of funds

1 distributed to any single certified local government. The guidelines shall not
 2 limit the ability of any State to distribute more than 10 percent of its an-
 3 nual apportionment under subsection (d), nor shall the Secretary require
 4 any State to exceed the 10 percent minimum distribution to certified local
 5 governments.

6 **§ 2055.04. Loan insurance program for preservation of prop-**
 7 **erty included on National Register**

8 (a) ESTABLISHMENT.—The Secretary shall maintain a program by which
 9 the Secretary may, on application of a private lender, insure loans (includ-
 10 ing loans made in accordance with a mortgage) made by the lender to fi-
 11 nance any project for the preservation of a property included on the Na-
 12 tional Register.

13 (b) LOAN QUALIFICATIONS.—A loan may be insured under this section
 14 if—

15 (1) the loan is made by a private lender approved by the Secretary
 16 as financially sound and able to service the loan properly;

17 (2) the amount of the loan, and interest rate charged with respect
 18 to the loan, do not exceed the amount and rate established by the Sec-
 19 retary by regulation;

20 (3) the Secretary has consulted the appropriate State Historic Pres-
 21 ervation Officer concerning the preservation of the historic property;

22 (4) the Secretary has determined that the loan is adequately secured
 23 and there is reasonable assurance of repayment;

24 (5) the repayment period of the loan does not exceed the lesser of
 25 40 years or the expected life of the asset financed;

26 (6) the amount insured with respect to the loan does not exceed 90
 27 percent of the loss sustained by the lender with respect to the loan;
 28 and

29 (7) the loan, the borrower, and the historic property to be preserved
 30 meet such other terms and conditions as may be prescribed by the Sec-
 31 retary by regulation, especially terms and conditions relating to the na-
 32 ture and quality of the preservation work.

33 (c) CONSULTATION.—The Secretary shall consult with the Secretary of
 34 the Treasury regarding the interest rate of loans insured under this section.

35 (d) LIMITATION ON AMOUNT OF UNPAID PRINCIPAL BALANCE OF
 36 LOANS.—The aggregate unpaid principal balance of loans insured under
 37 this section and outstanding at any one time may not exceed the amount
 38 that has been deposited in the Historic Preservation Fund pursuant to sec-
 39 tion 2055.11 of this title and subsections (h) and (i), as in effect on Decem-
 40 ber 12, 1980, but which has not been appropriated for any purpose.

1 (e) INSURANCE CONTRACTS.—Any contract of insurance executed by the
 2 Secretary under this section may be assignable, shall be an obligation sup-
 3 ported by the full faith and credit of the United States, and shall be incon-
 4 testable except for fraud or misrepresentation of which the holder had ac-
 5 tual knowledge at the time it became a holder.

6 (f) CONDITIONS AND METHODS OF PAYMENT AS RESULT OF LOSS.—The
 7 Secretary shall specify, by regulation and in each contract entered into
 8 under this section, the conditions and method of payment to a private lender
 9 as a result of losses incurred by the lender on any loan insured under this
 10 section.

11 (g) PROTECTION OF FINANCIAL INTERESTS OF FEDERAL GOVERN-
 12 MENT.—In entering into any contract to insure a loan under this section,
 13 the Secretary shall take steps to ensure adequate protection of the financial
 14 interests of the Federal Government. The Secretary may—

15 (1) in connection with any foreclosure proceeding, obtain, on behalf
 16 of the Federal Government, the historic property securing a loan in-
 17 sured under this section; and

18 (2) operate or lease the historic property for such period as may be
 19 necessary to protect the interest of the Federal Government and to
 20 carry out subsection (h).

21 (h) CONVEYANCE TO GOVERNMENTAL OR NONGOVERNMENTAL ENTITY
 22 OF PROPERTY ACQUIRED BY FORECLOSURE.—

23 (1) ATTEMPT TO CONVEY TO ENSURE PROPERTY'S PRESERVATION
 24 AND USE.—In any case in which a historic property is obtained pursu-
 25 ant to subsection (g), the Secretary shall attempt to convey the prop-
 26 erty to any governmental or nongovernmental entity under conditions
 27 that will ensure the property's continued preservation and use. If, after
 28 a reasonable time, the Secretary, in consultation with the Council, de-
 29 termines that there is no feasible and prudent means to convey the
 30 property and to ensure its continued preservation and use, the Sec-
 31 retary may convey the property at the fair market value of its interest
 32 in the property to any entity without restriction.

33 (2) DISPOSITION OF FUNDS.—Any funds obtained by the Secretary
 34 in connection with the conveyance of any historic property pursuant to
 35 paragraph (1) shall be deposited in the Historic Preservation Fund and
 36 shall remain available in the Historic Preservation Fund until appro-
 37 priated by the Congress to carry out this division.

38 (i) ASSESSMENT OF FEES IN CONNECTION WITH INSURING LOANS.—
 39 The Secretary may assess appropriate and reasonable fees in connection
 40 with insuring loans under this section. The fees shall be deposited in the

1 Historic Preservation Fund and shall remain available in the Historic Pres-
 2 ervation Fund until appropriated by Congress to carry out this division.

3 (j) TREATMENT OF LOANS AS NON-FEDERAL FUNDS.—Notwithstanding
 4 any other provision of law, any loan insured under this section shall be
 5 treated as non-Federal funds for the purposes of satisfying any requirement
 6 of any other provision of law under which Federal funds to be used for any
 7 project or activity are conditioned on the use of non-Federal funds by the
 8 recipient for payment of any portion of the costs of the project or activity.

9 (k) INELIGIBILITY OF DEBT OBLIGATION FOR PURCHASE OR COMMIT-
 10 MENT TO PURCHASE BY, OR SALE OR ISSUANCE TO, FEDERAL FINANCING
 11 BANK.—No debt obligation that is made or committed to be made, or that
 12 is insured or committed to be insured, by the Secretary under this section
 13 shall be eligible for purchase by, or commitment to purchase by, or sale or
 14 issuance to, the Federal Financing Bank.

15 § 2055.05. Recordkeeping

16 A beneficiary of assistance under this division shall keep—

17 (1) such records as the Secretary shall prescribe, including records
 18 that fully disclose—

19 (A) the disposition by the beneficiary of the proceeds of the as-
 20 sistance;

21 (B) the total cost of the project or undertaking in connection
 22 with which the assistance is given or used; and

23 (C) the amount and nature of that portion of the cost of the
 24 project or undertaking supplied by other sources; and

25 (2) such other records as will facilitate an effective audit.

26 Subchapter II—Sources of Funds

27 § 2055.11. Historic Preservation Fund

28 (a) ESTABLISHMENT.—To carry out this division, there is in the Treas-
 29 ury the Historic Preservation Fund.

30 (b) CONTENTS.—For each of fiscal years 2009 to 2015, \$150,000,000
 31 shall be deposited in the Historic Preservation Fund from revenues due and
 32 payable to the United States under section 9 of the Outer Continental Shelf
 33 Lands Act (43 U.S.C. 1338) or section 7433(b) of title 10, notwithstanding
 34 any provision of law that those proceeds shall be credited to miscellaneous
 35 receipts of the Treasury.

36 (c) USE AND AVAILABILITY.—Amounts in the Historic Preservation Fund
 37 shall be used only to carry out this division and shall be available for ex-
 38 penditure only when appropriated by Congress. Any amount not appro-
 39 priated shall remain available in the Historic Preservation Fund until ap-
 40 propriated for those purposes. Appropriations made pursuant to this section
 41 may be made without fiscal year limitation.

1 **§ 2055.12. Acceptance by Secretary of privately donated**
 2 **funds**

3 (a) PROJECTS FOR WHICH FUNDS MAY BE USED.—In furtherance of the
 4 purposes of this division, the Secretary may accept the donation of funds
 5 that may be expended by the Secretary for projects to acquire, restore, pre-
 6 serve, or recover data from any property included on the National Register,
 7 as long as the project is owned by a State, any unit of local government,
 8 or any nonprofit entity.

9 (b) CONSIDERATION OF FACTORS RESPECTING EXPENDITURE OF
 10 FUNDS.—

11 (1) IN GENERAL.—In expending the funds, the Secretary shall give
 12 due consideration to—

- 13 (A) the national significance of the project;
- 14 (B) its historical value to the community;
- 15 (C) the imminence of its destruction or loss; and
- 16 (D) the expressed intentions of the donor.

17 (2) FUNDS AVAILABLE WITHOUT REGARD TO MATCHING REQUIRE-
 18 MENTS.—Funds expended under this subsection shall be made available
 19 without regard to the matching requirements established by section
 20 2055.01 of this title, but the recipient of the funds shall be permitted
 21 to utilize them to match any grants from the Historic Preservation
 22 Fund.

23 (c) TRANSFER OF UNOBLIGATED FUNDS.—The Secretary may transfer
 24 unobligated funds previously donated to the Secretary for the purposes of
 25 the Service, with the consent of the donor, and any funds so transferred
 26 shall be used or expended in accordance with this division.

27 **Subdivision 5—Miscellaneous**
 28 **CHAPTER 2061—MISCELLANEOUS**

Sec.

- 2061.01. World Heritage Convention.
- 2061.02. National Building Museum.
- 2061.03. Effective date of regulations.
- 2061.04. White House, Supreme Court building, and United States Capitol not included in
 program for preservation of historic properties.
- 2061.05. Attorney's fees and costs to prevailing parties in civil actions.
- 2061.06. Authorization for expenditure of appropriated funds.
- 2061.07. Donations and bequests of money, personal property, and less than fee interests in
 historic property.

29 **§ 2061.01. World Heritage Convention**

30 (a) PARTICIPATION BY UNITED STATES.—The Secretary shall direct and
 31 coordinate participation by the United States in the World Heritage Con-
 32 vention in cooperation with the Secretary of State, the Smithsonian Institu-
 33 tion, and the Council. Whenever possible, expenditures incurred in carrying
 34 out activities in cooperation with other nations and international organiza-

1 tions shall be paid for in such excess currency of the country or area where
2 the expense is incurred as may be available to the United States.

3 (b) NOMINATION OF PROPERTY TO WORLD HERITAGE COMMITTEE.—
4 The Secretary shall periodically nominate properties that the Secretary de-
5 termines are of international significance to the World Heritage Committee
6 on behalf of the United States. No property may be nominated unless it has
7 previously been determined to be of national significance. Each nomination
8 shall include evidence of such legal protections as may be necessary to en-
9 sure preservation of the property and its environment (including restrictive
10 covenants, easements, or other forms of protection). Before making any
11 nomination, the Secretary shall notify the Committee on Natural Resources
12 of the House of Representatives and the Committee on Energy and Natural
13 Resources of the Senate.

14 (c) NOMINATION OF NON-FEDERAL PROPERTY TO WORLD HERITAGE
15 COMMITTEE REQUIRES WRITTEN CONCURRENCE OF OWNER.—No non-
16 Federal property may be nominated by the Secretary to the World Heritage
17 Committee for inclusion on the World Heritage List unless the owner of the
18 property concurs in the nomination in writing.

19 **§ 2061.02. National Building Museum**

20 (a) DEFINITIONS.—In this section:

21 (1) BUILDING ARTS.—The term “building arts” includes all practical
22 and scholarly aspects of prehistoric, historic, and contemporary archi-
23 tecture, archaeology, construction, building technology and skills, land-
24 scape architecture, preservation and conservation, building and con-
25 struction, engineering, urban and community design and renewal, city
26 and regional planning, and related professions, skills, trades, and
27 crafts.

28 (2) COMMITTEE.—The term “Committee” means the Committee for
29 a National Museum of the Building Arts, Incorporated, a nonprofit cor-
30 poration organized and existing under the laws of the District of Co-
31 lumbia, or its successor.

32 (b) COOPERATIVE AGREEMENT TO OPERATE MUSEUM.—To provide a
33 national center to commemorate and encourage the building arts and to pre-
34 serve and maintain a nationally significant building that exemplifies the
35 great achievements of the building arts in the United States, the Secretary
36 and the Administrator of General Services shall enter into a cooperative
37 agreement with the Committee for the operation of a National Building Mu-
38 seum in the Federal building located in the block bounded by Fourth Street,
39 Fifth Street, F Street, and G Street, Northwest in Washington, District of
40 Columbia.

41 (c) PURPOSES OF MUSEUM.—The National Building Museum shall—

1 (1) collect and disseminate information concerning the building arts,
 2 including the establishment of a national reference center for current
 3 and historic documents, publications, and research relating to the
 4 building arts;

5 (2) foster educational programs relating to the history, practice, and
 6 contribution to society of the building arts, including promotion of
 7 imaginative educational approaches to enhance understanding and ap-
 8 preciation of all facets of the building arts;

9 (3) publicly display temporary and permanent exhibits illustrating,
 10 interpreting and demonstrating the building arts;

11 (4) sponsor or conduct research and study into the history of the
 12 building arts and their role in shaping our civilization; and

13 (5) encourage contributions to the building arts.

14 (d) PROVISIONS OF COOPERATIVE AGREEMENT.—The cooperative agree-
 15 ment referred to in subsection (b) shall include provisions that—

16 (1) make the site available to the Committee without charge;

17 (2) provide, subject to available appropriations, such maintenance,
 18 security, information, janitorial, and other services as may be necessary
 19 to ensure the preservation and operation of the site; and

20 (3) prescribe reasonable terms and conditions by which the Com-
 21 mittee can fulfill its responsibilities under this division.

22 (e) MATCHING GRANTS TO COMMITTEE.—The Secretary shall provide
 23 matching grants to the Committee for its programs related to historic pres-
 24 ervation. The Committee shall match the grants in such a manner and with
 25 such funds and services as shall be satisfactory to the Secretary, except that
 26 not more than \$500,000 may be provided to the Committee in any one fiscal
 27 year.

28 (f) ANNUAL COMMITTEE REPORT TO SECRETARY AND ADMINIS-
 29 TRATOR.—The Committee shall submit an annual report to the Secretary
 30 and the Administrator of General Services concerning its activities under
 31 this section and shall provide the Secretary and the Administrator of Gen-
 32 eral Services with such other information as the Secretary may consider
 33 necessary or advisable.

34 **§ 2061.03. Effective date of regulations**

35 (a) PUBLICATION IN FEDERAL REGISTER.—No final regulation of the
 36 Secretary shall become effective prior to the expiration of 30 calendar days
 37 after it is published in the Federal Register during which either or both
 38 Houses of Congress are in session.

39 (b) DISAPPROVAL OF REGULATION BY RESOLUTION OF CONGRESS.—The
 40 regulation shall not become effective if, within 90 calendar days of contin-
 41 uous session of Congress after the date of promulgation, both Houses of

1 Congress adopt a concurrent resolution, the matter after the resolving
 2 clause of which is as follows: “That Congress disapproves the regulation
 3 promulgated by the Secretary dealing with the matter of _____, which
 4 regulation was transmitted to Congress on _____, ” the blank spaces
 5 in the resolution being appropriately filled.

6 (c) FAILURE OF CONGRESS TO ADOPT RESOLUTION OF DISAPPROVAL OF
 7 REGULATION.—If at the end of 60 calendar days of continuous session of
 8 Congress after the date of promulgation of a regulation, no committee of
 9 either House of Congress has reported or been discharged from further con-
 10 sideration of a concurrent resolution disapproving the regulation, and nei-
 11 ther House has adopted such a resolution, the regulation may go into effect
 12 immediately. If, within the 60 calendar days, a committee has reported or
 13 been discharged from further consideration of such a resolution, the regula-
 14 tion may go into effect not sooner than 90 calendar days of continuous ses-
 15 sion of Congress after its promulgation unless disapproved as provided for.

16 (d) SESSIONS OF CONGRESS.—For purposes of this section—

17 (1) continuity of session is broken only by an adjournment sine die;

18 and

19 (2) the days on which either House is not in session because of an
 20 adjournment of more than 3 days to a day certain are excluded in the
 21 computation of 60 and 90 calendar days of continuous session of Con-
 22 gress.

23 (e) CONGRESSIONAL INACTION OR REJECTION OF RESOLUTION OF DIS-
 24 APPROVAL NOT DEEMED APPROVAL OF REGULATION.—Congressional inac-
 25 tion on or rejection of a resolution of disapproval shall not be deemed an
 26 expression of approval of the regulation.

27 **§ 2061.04. White House, Supreme Court building, and United**
 28 **States Capitol not included in program for preser-**
 29 **vation of historic properties**

30 Nothing in this division shall be construed to be applicable to the White
 31 House and its grounds, the Supreme Court building and its grounds, or the
 32 United States Capitol and its related buildings and grounds.

33 **§ 2061.05. Attorney’s fees and costs to prevailing parties in**
 34 **civil actions**

35 In any civil action brought in any United States district court by any in-
 36 terested person to enforce this division, if the person substantially prevails
 37 in the action, the court may award attorney’s fees, expert witness fees, and
 38 other costs of participating in the civil action, as the court considers reason-
 39 able.

1 **§ 2061.06. Authorization for expenditure of appropriated**
 2 **funds**

3 Where appropriate, each Federal agency may expend funds appropriated
 4 for its authorized programs for the purposes of activities carried out pursu-
 5 ant to this division, except to the extent that appropriations legislation ex-
 6 pressly provides otherwise.

7 **§ 2061.07. Donations and bequests of money, personal prop-**
 8 **erty, and less than fee interests in historic prop-**
 9 **erty**

10 (a) MONEY AND PERSONAL PROPERTY.—The Secretary may accept dona-
 11 tions and bequests of money and personal property for the purposes of this
 12 division and shall hold, use, expend, and administer the money and personal
 13 property for those purposes.

14 (b) LESS THAN FEE INTEREST IN HISTORIC PROPERTY.—The Secretary
 15 may accept gifts or donations of less than fee interests in any historic prop-
 16 erty where the acceptance of an interest will facilitate the conservation or
 17 preservation of the historic property. Nothing in this section or in any provi-
 18 sion of this division shall be construed to affect or impair any other author-
 19 ity of the Secretary under other provision of law to accept or acquire any
 20 property for conservation or preservation or for any other purpose.

21 **DIVISION C—ORGANIZATIONS AND PROGRAMS**
 22 **CHAPTER 2071—NATIONAL TRUST FOR HISTORIC**
 23 **PRESERVATION IN THE UNITED STATES**

Sec.

- 2071.01. Definition.
- 2071.02. Establishment and purposes.
- 2071.03. Principal office.
- 2071.04. Board of trustees.
- 2071.05. Powers and duties.
- 2071.06. Consultation with Advisory Board.

24 **§ 2071.01. Definition**

25 In this chapter, the term “Board” means the board of trustees of the Na-
 26 tional Trust.

27 **§ 2071.02. Establishment and purposes**

28 (a) ESTABLISHMENT.—To further the policy enunciated in chapter 201
 29 of this title, and to facilitate public participation in the preservation of sites,
 30 buildings, and objects of national significance or interest, there is estab-
 31 lished a charitable, educational, and nonprofit corporation to be known as
 32 the National Trust for Historic Preservation in the United States.

33 (b) PURPOSES.—The purposes of the National Trust shall be to—

- 34 (1) receive donations of sites, buildings, and objects significant in
- 35 American history and culture;
- 36 (2) preserve and administer them for public benefit;

1 (3) accept, hold, and administer gifts of money, securities, or other
2 property of any character for the purpose of carrying out the preserva-
3 tion of sites, buildings, and objects of natural significance or interest;
4 and

5 (4) execute other functions vested in it by this chapter.

6 **§ 2071.03. Principal office**

7 The National Trust shall have its principal office in the District of Co-
8 lumbia and shall be deemed, for purposes of venue in civil actions, to be
9 a resident of the District of Columbia. The National Trust may establish
10 offices in other places as it may consider necessary or appropriate in the
11 conduct of its business.

12 **§ 2071.04. Board of trustees**

13 (a) MEMBERSHIP.—The affairs of the National Trust shall be under the
14 general direction of a board of trustees composed as follows:

15 (1) The Attorney General, the Secretary, and the Director of the Na-
16 tional Gallery of Art, *ex officio*.

17 (2) Not fewer than 6 general trustees who shall be citizens of the
18 United States.

19 (b) DESIGNATION OF ANOTHER OFFICER.—The Attorney General and
20 the Secretary, when it appears desirable in the interest of the conduct of
21 the business of the Board and to such extent as they consider it advisable,
22 may, by written notice to the National Trust, designate any officer of their
23 respective departments to act for them in the discharge of their duties as
24 a member of the Board.

25 (c) GENERAL TRUSTEES.—

26 (1) NUMBER AND SELECTION.—The number of general trustees shall
27 be fixed by the Board and shall be chosen by the members of the Na-
28 tional Trust from its members at any regular meeting of the National
29 Trust.

30 (2) TERM OF OFFICE.—The respective terms of office of the general
31 trustees shall be as prescribed by the Board but in no case shall exceed
32 a period of 5 years from the date of election.

33 (3) SUCCESSOR.—A successor to a general trustee shall be chosen
34 in the same manner and shall have a term expiring 5 years from the
35 date of the expiration of the term for which the predecessor was cho-
36 sen, except that a successor chosen to fill a vacancy occurring prior to
37 the expiration of a term shall be chosen only for the remainder of that
38 term.

39 (d) CHAIRMAN.—The chairman of the Board shall be elected by a major-
40 ity vote of the members of the Board.

1 (e) COMPENSATION AND REIMBURSEMENT.—No compensation shall be
2 paid to the members of the Board for their services as such members, but
3 they shall be reimbursed for travel and actual expenses necessarily incurred
4 by them in attending board meetings and performing other official duties
5 on behalf of the National Trust at the direction of the Board.

6 **§ 2071.05. Powers and duties**

7 To the extent necessary to enable it to carry out the functions vested in
8 it by this chapter, the National Trust shall have the following general pow-
9 ers:

10 (1) The National Trust shall have succession until dissolved by Act
11 of Congress, in which event title to the properties of the National
12 Trust, both real and personal, shall, insofar as consistent with existing
13 contractual obligations and subject to all other legally enforceable
14 claims or demands by or against the National Trust, pass to and be-
15 come vested in the United States.

16 (2) The National Trust may sue and be sued in its corporate name.

17 (3) The National Trust may adopt, alter, and use a corporate seal
18 that shall be judicially noticed.

19 (4) The National Trust may adopt a constitution and make bylaws
20 and regulations, not inconsistent with the laws of the United States or
21 of any State, as it considers necessary for the administration of its
22 functions under this chapter, including among other matter, bylaws and
23 regulations governing visitation to historic properties, administration of
24 corporate funds, and the organization and procedure of the Board.

25 (5) The National Trust may accept, hold, and administer gifts and
26 bequests of money, securities, or other personal property of any char-
27 acter, absolutely or in trust, for the purposes for which the National
28 Trust is created. Unless otherwise restricted by the terms of a gift or
29 bequest, the National Trust may sell, exchange, or otherwise dispose
30 of, and invest or reinvest in investments as it may determine from time
31 to time, the moneys, securities, or other property given or bequeathed
32 to it. The principal of corporate funds, together with the income from
33 those funds and all other revenues received by it from any source, shall
34 be placed in depositories that the National Trust shall determine and
35 shall be subject to expenditure by the National Trust for its corporate
36 purposes.

37 (6) The National Trust may acquire by gift, devise, purchase, or oth-
38 erwise, absolutely or in trust, and hold and, unless otherwise restricted
39 by the terms of the gift or devise, encumber, convey, or otherwise dis-
40 pose of, any real property, or any estate or interest in the property (ex-
41 cept property within the exterior boundaries of a System unit), as may

1 be necessary and proper in carrying into effect the purposes of the Na-
2 tional Trust.

3 (7) The National Trust may contract and make cooperative agree-
4 ments with Federal, State, or local agencies, corporations, associations,
5 or individuals, under terms and conditions that the National Trust con-
6 siders advisable, respecting the protection, preservation, maintenance,
7 or operation of any historic site, building, object, or property used in
8 connection with the site, building, or object for public use, regardless
9 of whether the National Trust has acquired title to the properties, or
10 any interest in the properties.

11 (8) The National Trust may enter into contracts generally and exe-
12 cute all instruments necessary or appropriate to carry out its corporate
13 purposes, including concession contracts, leases, or permits for the use
14 of land, buildings, or other property considered desirable either to ac-
15 commodate the public or to facilitate administration.

16 (9) The National Trust may appoint and prescribe the duties of offi-
17 cers, agents, and employees as may be necessary to carry out its func-
18 tions, and fix and pay compensation to them for their services as the
19 National Trust may determine.

20 (10) The National Trust may generally do any and all lawful acts
21 necessary or appropriate to carry out the purposes for which the Na-
22 tional Trust is created.

23 **§ 2071.06. Consultation with Advisory Board**

24 In carrying out its functions under this chapter, the National Trust may
25 consult with the Advisory Board on National Parks, Historic Sites, Build-
26 ings, and Monuments on matters relating to the selection of sites, buildings,
27 and objects to be preserved and protected pursuant to this chapter.

28 **CHAPTER 2073—COMMISSION FOR THE PRESERVATION** 29 **OF AMERICA’S HERITAGE ABROAD**

Sec.

2073.01. Definition.

2073.02. Declaration of national interest.

2073.03. Establishment.

2073.04. Duties and powers; administrative support.

2073.05. Reports.

30 **§ 2073.01. Definition**

31 In this chapter, the term “Commission” means the Commission for the
32 Preservation of America’s Heritage Abroad established under section
33 2073.03 of this title.

34 **§ 2073.02. Declaration of national interest**

35 Because the fabric of a society is strengthened by visible reminders of the
36 historical roots of the society, it is in the national interest to encourage the

1 preservation and protection of the cemeteries, monuments, and historic
2 buildings associated with the foreign heritage of United States citizens.

3 **§ 2073.03. Establishment**

4 (a) ESTABLISHMENT.—There is established a commission to be known as
5 the Commission for the Preservation of America’s Heritage Abroad.

6 (b) MEMBERSHIP.—The Commission shall consist of 21 members ap-
7 pointed by the President, 7 of whom shall be appointed after consultation
8 with the Speaker of the House of Representatives and 7 of whom shall be
9 appointed after consultation with the President pro tempore of the Senate.

10 (c) TERM.—

11 (1) IN GENERAL.—Except as provided in paragraph (2), a member
12 of the Commission shall be appointed for a term of 3 years.

13 (2) VACANCY.—A member appointed to fill a vacancy on the Com-
14 mission shall serve for the remainder of the term for which the mem-
15 ber’s predecessor was appointed.

16 (3) MEMBER UNTIL SUCCESSOR APPOINTED.—A member may retain
17 membership on the Commission until the member’s successor has been
18 appointed.

19 (d) CHAIRMAN.—The President shall designate the Chairman of the Com-
20 mission from among its members.

21 (e) MEETINGS.—The Commission shall meet at least once every 6
22 months.

23 (f) COMPENSATION AND EXPENSES.—

24 (1) COMPENSATION.—Members of the Commission shall receive no
25 pay on account of their service on the Commission.

26 (2) EXPENSES.—While away from their homes or regular places of
27 business in the performance of services for the Commission, members
28 of the Commission shall be allowed travel expenses, including per diem
29 in lieu of subsistence, in the same manner as individuals employed
30 intermittently in the Government service are allowed expenses under
31 section 5703 of title 5.

32 **§ 2073.04. Duties and powers; administrative support**

33 (a) DUTIES.—The Commission shall—

34 (1) identify and publish a list of cemeteries, monuments, and historic
35 buildings located abroad that are associated with the foreign heritage
36 of United States citizens from eastern and central Europe, particularly
37 cemeteries, monuments, and buildings that are in danger of deteriora-
38 tion or destruction;

39 (2) encourage the preservation and protection of those cemeteries,
40 monuments, and historic buildings by obtaining, in cooperation with the

Secretary of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected; and

(3) prepare and disseminate reports on the condition of, and the progress toward preserving and protecting, those cemeteries, monuments, and historic buildings.

(b) POWERS.—

(1) HOLD HEARINGS, REQUEST ATTENDANCE, TAKE TESTIMONY, AND RECEIVE EVIDENCE.—The Commission or any member it authorizes may, for the purposes of carrying out this chapter, hold such hearings, sit and act at such times and places, request such attendance, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) APPOINT PERSONNEL AND FIX PAY.—The Commission may appoint such personnel (subject to the provisions of title 5 governing appointments in the competitive service) and may fix the pay of such personnel (subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5), as the Commission considers desirable.

(3) PROCURE TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect under section 5376 of title 5.

(4) DETAIL PERSONNEL TO COMMISSION.—On request of the Commission, the head of any Federal department or agency, including the Secretary of State, may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this chapter.

(5) SECURE INFORMATION.—The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this chapter. On the request of the Chairman of the Commission, the head of the department or agency shall furnish the information to the Commission.

(6) GIFTS OR DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of money or property.

(7) USE OF MAILS.—The Commission may use the United States mails in the same manner and on the same conditions as other departments and agencies of the United States.

(c) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support services as the Commission may request.

1 **§ 2073.05. Reports**

2 The Commission shall transmit an annual report to the President as soon
3 as practicable after the end of each fiscal year. Each report shall include
4 a detailed statement of the activities and accomplishments of the Commis-
5 sion during the preceding fiscal year and any recommendations by the Com-
6 mission for legislation and administrative actions.

7 **CHAPTER 2075—AMERICAN BATTLEFIELD PROTECTION**
8 **PROGRAM**

Sec.

2075.01. Purpose.

2075.02. Definitions.

2075.03. Preservation assistance.

2075.04. Battlefield acquisition grant program.

9 **§ 2075.01. Purpose**

10 The purpose of this chapter is to assist citizens, public and private insti-
11 tutions, and governments at all levels in planning, interpreting, and pro-
12 tecting sites where historic battles were fought on American soil during the
13 armed conflicts that shaped the growth and development of the United
14 States, in order that present and future generations may learn and gain in-
15 spiration from the ground where Americans made their ultimate sacrifice.

16 **§ 2075.02. Definitions**

17 In this chapter:

18 (1) ELIGIBLE ENTITY.—The term “eligible entity” means a State or
19 local government.

20 (2) ELIGIBLE SITE.—The term “eligible site” means a site—

21 (A) that is not within the exterior boundaries of a System unit;
22 and

23 (B) that is identified in the document entitled “Report on the
24 Nation’s Civil War Battlefields”, prepared by the Civil War Sites
25 Advisory Commission, and dated July 1993.

26 (3) SECRETARY.—The term “Secretary” means the Secretary, acting
27 through the American Battlefield Protection Program.

28 **§ 2075.03. Preservation assistance**

29 (a) IN GENERAL.—Using the established national historic preservation
30 program to the extent practicable, the Secretary shall encourage, support,
31 assist, recognize, and work in partnership with citizens, Federal, State,
32 local, and tribal governments, other public entities, educational institutions,
33 and private nonprofit organizations in identifying, researching, evaluating,
34 interpreting, and protecting historic battlefields and associated sites on a
35 national, State, and local level.

36 (b) FINANCIAL ASSISTANCE.—To carry out subsection (a), the Secretary
37 may use a cooperative agreement, grant, contract, or other generally adopt-
38 ed means of providing financial assistance.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be ap-
 2 propriated \$3,000,000 annually to carry out this section, to remain available
 3 until expended.

4 **§ 2075.04. Battlefield acquisition grant program**

5 (a) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisi-
 6 tion grant program under which the Secretary may provide grants to eligible
 7 entities to pay the Federal share of the cost of acquiring interests in eligible
 8 sites for the preservation and protection of those eligible sites.

9 (b) NONPROFIT PARTNERS.—An eligible entity may acquire an interest
 10 in an eligible site using a grant under this section in partnership with a
 11 nonprofit organization.

12 (c) NON-FEDERAL SHARE.—The non-Federal share of the total cost of
 13 acquiring an interest in an eligible site under this section shall be not less
 14 than 50 percent.

15 (d) LIMITATION ON LAND USE.—An interest in an eligible site acquired
 16 under this section shall be subject to section 1053.08(g) of this title.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be ap-
 18 propriated to the Secretary to provide grants under this section
 19 \$10,000,000 for each of fiscal year 2009 to 2013.

20 **CHAPTER 2077—NATIONAL UNDERGROUND RAILROAD**
 21 **NETWORK TO FREEDOM**

Sec.

2077.01. Purposes.

2077.02. Definitions.

2077.03. Program.

2077.04. Preservation of historic sites or structures.

2077.05. Authorization of appropriations.

22 **§ 2077.01. Purposes**

23 The purposes of this chapter are—

24 (1) to recognize the importance of the Underground Railroad, the
 25 sacrifices made by those who used the Underground Railroad in search
 26 of freedom from tyranny and oppression, and the sacrifices made by
 27 the people who helped them; and

28 (2) to authorize the Secretary to coordinate and facilitate Federal
 29 and non-Federal activities to commemorate, honor, and interpret the
 30 history of the Underground Railroad, its significance as a crucial ele-
 31 ment in the evolution of the national civil rights movement, and its rel-
 32 evance in fostering the spirit of racial harmony and national reconcili-
 33 ation.

34 **§ 2077.02. Definition**

35 In this chapter, the term “national network” means the National Under-
 36 ground Railroad Network to Freedom established under section 2077.03 of
 37 this title.

1 **§ 2077.03. Program**

2 (a) ESTABLISHMENT; RESPONSIBILITIES OF SECRETARY.—The Secretary
3 shall establish in the Service a program to be known as the National Under-
4 ground Railroad Network to Freedom. Under the program, the Secretary
5 shall—

6 (1) produce and disseminate appropriate educational materials, such
7 as handbooks, maps, interpretive guides, or electronic information;

8 (2) enter into appropriate cooperative agreements and memoranda of
9 understanding to provide technical assistance under subsection (c); and

10 (3) create and adopt an official, uniform symbol or device for the
11 national network and issue regulations for its use.

12 (b) ELEMENTS.—The national network shall encompass the following ele-
13 ments:

14 (1) All System units and programs of the Service determined by the
15 Secretary to pertain to the Underground Railroad.

16 (2) Other Federal, State, local, and privately owned properties per-
17 taining to the Underground Railroad that have a verifiable connection
18 to the Underground Railroad and that are included on, or determined
19 by the Secretary to be eligible for inclusion on, the National Register
20 of Historic Places.

21 (3) Other governmental and nongovernmental facilities and programs
22 of an educational, research, or interpretive nature that are directly re-
23 lated to the Underground Railroad.

24 (c) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDER-
25 STANDING.—To achieve the purposes of this chapter and to ensure effective
26 coordination of the Federal and non-Federal elements of the national net-
27 work with System units and programs of the Service, the Secretary may
28 enter into cooperative agreements and memoranda of understanding with,
29 and provide technical assistance—

30 (1) to the heads of other Federal agencies, States, localities, regional
31 governmental bodies, and private entities; and

32 (2) in cooperation with the Secretary of State, to the governments
33 of Canada, Mexico, and any appropriate country in the Caribbean.

34 **§ 2077.04. Preservation of historic sites or structures**

35 (a) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants in
36 accordance with this section for the preservation and restoration of historic
37 buildings or structures associated with the Underground Railroad, and for
38 related research and documentation to sites, programs, or facilities that
39 have been included in the national network.

40 (b) GRANT CONDITIONS.—Any grant made under this section shall pro-
41 vide that—

1 (1) no change or alteration may be made in property for which the
2 grant is used except with the agreement of the property owner and the
3 Secretary;

4 (2) the Secretary shall have the right of access at reasonable times
5 to the public portions of the property for interpretive and other pur-
6 poses; and

7 (3) conversion, use, or disposal of the property for purposes contrary
8 to the purposes of this chapter, as determined by the Secretary, shall
9 result in a right of the United States to compensation equal to all Fed-
10 eral funds made available to the grantee under this chapter.

11 (c) MATCHING REQUIREMENT.—The Secretary may obligate funds made
12 available for a grant under this section only if the grantee agrees to match,
13 from funds derived from non-Federal sources, the amount of the grant with
14 an amount that is equal to or greater than the grant. The Secretary may
15 waive the requirement if the Secretary determines that an extreme emer-
16 gency exists or that a waiver is in the public interest to ensure the preserva-
17 tion of historically significant resources.

18 **§ 2077.05. Authorization of appropriations**

19 (a) AMOUNTS.—There are authorized to be appropriated to carry out this
20 chapter \$2,500,000 for each fiscal year, to be allocated as follows:

21 (1) \$2,000,000 is to be used for the purposes of section 2077.03 of
22 this title.

23 (2) \$500,000 is to be used for the purposes of section 2077.04 of
24 this title.

25 (b) RESTRICTIONS.—No amounts may be appropriated for the purposes
26 of this chapter except to the Secretary for carrying out the responsibilities
27 of the Secretary as set forth in this chapter.

28 **CHAPTER 2079—NATIONAL WOMEN’S RIGHTS HISTORY**
29 **PROJECT**

Sec.

2079.01. National women’s rights history project national registry.

2079.02. National women’s rights history project partnerships network.

30 **§ 2079.01. National women’s rights history project national**
31 **registry**

32 (a) IN GENERAL.—The Secretary may make annual grants to State his-
33 toric preservation offices for not more than 5 years to assist the State his-
34 toric preservation offices in surveying, evaluating, and nominating to the
35 National Register of Historic Places women’s rights history properties.

36 (b) ELIGIBILITY.—In making grants under subsection (a), the Secretary
37 shall give priority to grants relating to properties associated with the mul-
38 tiple facets of the women’s rights movement, such as politics, economics,
39 education, religion, and social and family rights.

1 (c) UPDATES.—The Secretary shall ensure that the National Register
2 travel itinerary website entitled “Places Where Women Made History” is
3 updated to contain—

- 4 (1) the results of the inventory conducted under subsection (a); and
5 (2) any links to websites related to places on the inventory.

6 (d) COST-SHARING REQUIREMENT.—The Federal share of the cost of any
7 activity carried out using any assistance made available under this section
8 shall be 50 percent.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be ap-
10 propriated to the Secretary to carry out this section \$1,000,000 for each
11 of fiscal years 2009 through 2013.

12 **§ 2079.02. National women’s rights history project partner-**
13 **ships network**

14 (a) GRANTS.—The Secretary may make matching grants and give techni-
15 cal assistance for development of a network of governmental and non-
16 governmental entities (referred to in this section as the “network”), the pur-
17 pose of which is to provide interpretive and educational program develop-
18 ment of national women’s rights history, including historic preservation.

19 (b) MANAGEMENT OF NETWORK.—

20 (1) IN GENERAL.—Through a competitive process, the Secretary
21 shall designate a nongovernmental managing network to manage the
22 network.

23 (2) COORDINATION.—The nongovernmental managing entity des-
24 ignated under paragraph (1) shall work in partnership with the Direc-
25 tor and State historic preservation offices to coordinate operation of the
26 network.

27 (c) COST-SHARING REQUIREMENT.—

28 (1) IN GENERAL.—The Federal share of the cost of any activity car-
29 ried out using any assistance made available under this section shall
30 be 50 percent.

31 (2) STATE HISTORIC PRESERVATION OFFICES.—Matching grants for
32 historic preservation specific to the network may be made available
33 through State historic preservation offices.

34 (d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be ap-
35 propriated to the Secretary to carry out this section \$1,000,000 for each
36 of fiscal years 2009 through 2013.

37 **CHAPTER 2081—PRESERVATION OF HISTORICAL AND**
38 **ARCHAEOLOGICAL DATA**

Sec.

2081.01. Purpose.

2081.02. Definition.

2081.03. Notice of dam construction.

- 2081.04. Threat of irreparable loss or destruction of significant scientific, prehistorical, historical, or archaeological data by Federal construction projects.
- 2081.05. Survey and recovery by Secretary.
- 2081.06. Progress reports by Secretary on surveys and work undertaken as result of surveys.
- 2081.07. Administration.
- 2081.08. Assistance to Secretary by Federal agencies responsible for construction projects; availability of appropriations.

1 **§ 2081.01. Purpose**

2 It is the purpose of this chapter to further the policy set forth in chapter
3 2001 of this title by specifically providing for the preservation of historical
4 and archaeological data (including relics and specimens) that might other-
5 wise be irreparably lost or destroyed as the result of—

6 (1) flooding, the building of access roads, the erection of worker's
7 communities, the relocation of railroads and highways, and other alter-
8 ations of the terrain caused by the construction of a dam by any—

9 (A) Federal agency; or

10 (B) private person or corporation holding a license issued by
11 any Federal agency; or

12 (2) any alteration of the terrain caused as a result of any Federal
13 construction project or federally licensed activity or program.

14 **§ 2081.02. Definition**

15 In this chapter, the term “State” includes a State, the District of Colum-
16 bia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the
17 Northern Mariana Islands.

18 **§ 2081.03. Notice of dam construction**

19 (a) IN GENERAL.—Before any Federal agency undertakes the construc-
20 tion of a dam, or issues a license to any private individual or corporation
21 for the construction of a dam, it shall give written notice to the Secretary
22 setting forth the site of the proposed dam and the approximate area to be
23 flooded and otherwise changed if construction is undertaken.

24 (b) DAMS WITH CERTAIN DETENTION CAPACITY OR RESERVOIR.—With
25 respect to any flood water retarding dam that provides fewer than 5,000
26 acre-feet of detention capacity, and with respect to any other type of dam
27 that creates a reservoir of fewer than 40 surface acres, this section shall
28 apply only when the constructing agency, in its preliminary surveys, finds
29 or is presented with evidence that historical or archaeological materials exist
30 or may be present in the proposed reservoir area.

31 **§ 2081.04. Threat of irreparable loss or destruction of signifi-
32 cant scientific, prehistorical, historical, or archae-
33 ological data by Federal construction projects**

34 (a) ACTIVITY OF FEDERAL AGENCY.—

35 (1) NOTIFICATION OF SECRETARY.—When any Federal agency finds,
36 or is notified, in writing, by an appropriate historical or archaeological
37 authority, that its activities in connection with any Federal construc-

1 tion project or federally licensed project, activity, or program may
 2 cause irreparable loss or destruction of significant scientific, pre-
 3 historical, historical, or archaeological data, the agency shall notify the
 4 Secretary, in writing, and shall provide the Secretary with appropriate
 5 information concerning the project, program, or activity.

6 (2) RECOVERY, PROTECTION, AND PRESERVATION OF DATA.—The
 7 agency—

8 (A) may request the Secretary to undertake the recovery, pro-
 9 tection, and preservation of the data (including preliminary survey,
 10 or other investigation as needed, and analysis and publication of
 11 the reports resulting from the investigation); or

12 (B) may, with funds appropriated for the project, program, or
 13 activity, undertake those activities.

14 (3) AVAILABILITY OF REPORTS.—Copies of reports of any investiga-
 15 tions made pursuant to this section shall be submitted to the Secretary,
 16 who shall make them available to the public for inspection and review.

17 (b) ACTIVITY OF PRIVATE PERSON, ASSOCIATION, OR PUBLIC ENTITY.—

18 (1) RECOVERY BY SECRETARY.—When any Federal agency provides
 19 financial assistance by loan, grant, or otherwise to any private person,
 20 association, or public entity, the Secretary, if the Secretary determines
 21 that significant scientific, prehistorical, historical, or archaeological
 22 data might be irrevocably lost or destroyed, may, with funds appro-
 23 priated expressly for this purpose—

24 (A) conduct, with the consent of all persons, associations, or
 25 public entities having a legal interest in the property, a survey of
 26 the affected site; and

27 (B) undertake the recovery, protection, and preservation of the
 28 data (including analysis and publication).

29 (2) COMPENSATION.—The Secretary shall, unless otherwise agreed
 30 to in writing, compensate any person, association, or public entity dam-
 31 aged as a result of delays in construction or as a result of the tem-
 32 porary loss of the use of private or any nonfederally owned land.

33 **§ 2081.05. Survey and recovery by Secretary**

34 (a) IN GENERAL.—The Secretary, on notification, in writing, by any Fed-
 35 eral or State agency or appropriate historical or archaeological authority
 36 that scientific, prehistorical, historical, or archaeological data are being or
 37 may be irrevocably lost or destroyed by any Federal or federally assisted
 38 or licensed project, activity, or program, shall, if the Secretary determines
 39 that the data are significant and are being or may be irrevocably lost or
 40 destroyed and after reasonable notice to the agency responsible for funding
 41 or licensing the project, activity, or program—

1 (1) conduct or cause to be conducted a survey and other investiga-
2 tion of the areas that are or may be affected; and

3 (2) recover and preserve the data (including analysis and publica-
4 tion) that, in the opinion of the Secretary, are not being, but should
5 be, recovered and preserved in the public interest.

6 (b) WHEN SURVEY OR RECOVERY NOT REQUIRED.—No survey or recov-
7 ery work shall be required pursuant to this section that, in the determina-
8 tion of the head of the responsible agency, would impede Federal or feder-
9 ally assisted or licensed projects or activities undertaken in connection with
10 any emergency, including projects or activities undertaken in anticipation of,
11 or as a result of, a natural disaster.

12 (c) INITIATION OF SURVEY.—The Secretary shall initiate the survey or
13 recovery effort within—

14 (1) 60 days after notification pursuant to subsection (a); or

15 (2) such time as may be agreed on with the head of the agency re-
16 sponsible for funding or licensing the project, activity, or program in
17 all other cases.

18 (d) COMPENSATION BY SECRETARY.—The Secretary shall, unless other-
19 wise agreed to in writing, compensate any person, association, or public en-
20 tity damaged as a result of delays in construction or as a result of the tem-
21 porary loss of the use of private or nonfederally owned land.

22 **§ 2081.06. Progress reports by Secretary on surveys and**
23 **work undertaken as result of surveys**

24 (a) PROGRESS REPORTS TO FUNDING OR LICENSING AGENCY.—The Sec-
25 retary shall keep the agency responsible for funding or licensing the project
26 notified at all times of the progress of any survey made under this chapter
27 or of any work undertaken as a result of a survey, in order that there will
28 be as little disruption or delay as possible in the carrying out of the func-
29 tions of the agency. The survey and recovery programs shall terminate at
30 a time agreed on by the Secretary and the head of the agency unless ex-
31 tended by agreement.

32 (b) DISPOSITION OF RELICS AND SPECIMENS.—The Secretary shall con-
33 sult with any interested Federal and State agencies, educational and sci-
34 entific organizations, private institutions, and qualified individuals, with a
35 view to determining the ownership of, and the most appropriate repository
36 for, any relics and specimens recovered as a result of any work performed
37 as provided for in this section.

38 (c) COORDINATION OF ACTIVITIES.—The Secretary shall coordinate all
39 Federal survey and recovery activities authorized under this chapter.

40 **§ 2081.07. Administration**

41 In the administration of this chapter, the Secretary may—

1 (1) enter into contracts or make cooperative agreements with any
2 Federal or State agency, educational or scientific organization, or insti-
3 tution, corporation, association, or qualified individual;

4 (2) obtain the services of experts and consultants or organizations
5 of experts and consultants in accordance with section 3109 of title 5;
6 and

7 (3) accept and utilize funds made available for salvage archaeological
8 purposes by any private person or corporation or transferred to the
9 Secretary by any Federal agency.

10 **§ 2081.08. Assistance to Secretary by Federal agencies re-**
11 **sponsible for construction projects; availability of**
12 **appropriations**

13 (a) ASSISTANCE OF FEDERAL AGENCIES.—To carry out the purposes of
14 this chapter, any Federal agency responsible for a construction project may
15 assist the Secretary or may transfer to the Secretary funds as may be
16 agreed on, but not more than one percent of the total amount authorized
17 to be appropriated for the project, except that the one percent limitation
18 of this section shall not apply if the cost of the project is \$50,000 or less.
19 The costs of the survey, recovery, analysis, and publication shall be deemed
20 nonreimbursable project costs.

21 (b) COSTS FOR IDENTIFICATION, SURVEYS, EVALUATION, AND DATA RE-
22 COVERY WITH RESPECT TO HISTORIC PROPERTIES.—Notwithstanding sub-
23 section (a) or any other provision of law—

24 (1) identification, surveys, and evaluation carried out with respect to
25 historic properties within project areas may be treated for purposes of
26 any law or rule of law as planning costs of the project and not as costs
27 of mitigation;

28 (2) reasonable costs for identification, surveys, evaluation, and data
29 recovery carried out with respect to historic properties within project
30 areas may be charged to Federal licensees and permittees as a condi-
31 tion to the issuance of the license or permit; and

32 (3) Federal agencies, with the concurrence of the Secretary and after
33 notification of the Committee on Natural Resources of the House of
34 Representatives and the Committee on Energy and Natural Resources
35 of the Senate, may waive, in appropriate cases, the one percent limita-
36 tion contained in subsection (a).

37 (c) AVAILABILITY OF APPROPRIATIONS.—Sums appropriated for purposes
38 of this section shall remain available until expended.

39 **CHAPTER 2083—NATIONAL MARITIME HERITAGE**

Sec.

2083.01. Declaration of policy.

2083.02. Definitions.

- 2083.03. National Maritime Heritage Grants Program.
 2083.04. Funding.
 2083.05. Designation of America's National Maritime Museum.
 2083.06. Regulations.
 2083.07. Application of authorities.

1 **§ 2083.01. Declaration of policy**

2 It shall be the policy of the Federal Government, in partnership with the
 3 States and local governments and private organizations and individuals,
 4 to—

5 (1) use measures, including financial and technical assistance, to fos-
 6 ter conditions under which our modern society and our historic mari-
 7 time resources can exist in productive harmony;

8 (2) provide leadership in the preservation of the historic maritime re-
 9 sources of the United States;

10 (3) contribute to the preservation of historic maritime resources and
 11 give maximum encouragement to organizations and individuals under-
 12 taking preservation by private means; and

13 (4) assist State and local governments to expand their maritime his-
 14 toric preservation programs and activities.

15 **§ 2083.02. Definitions**

16 In this chapter:

17 (1) NATIONAL TRUST.—The term “National Trust” means the Na-
 18 tional Trust for Historic Preservation created by section 2071.02 of
 19 this title.

20 (2) PRIVATE NONPROFIT ORGANIZATION.—The term “private non-
 21 profit organization” means any person that is exempt from taxation
 22 under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C.
 23 501(a)) and described in section 501(c)(3) of the Internal Revenue
 24 Code of 1986 (26 U.S.C. 501(c)(3)).

25 (3) PROGRAM.—The term “Program” means the National Maritime
 26 Heritage Grants Program established by section 2083.03(a) of this
 27 title.

28 (4) STATE HISTORIC PRESERVATION OFFICER.—The term “State
 29 Historic Preservation Officer” means a State Historic Preservation Of-
 30 ficer appointed pursuant to section 2025.01(1) of this title by the chief
 31 executive officer of a State having a State Historic Preservation Pro-
 32 gram approved by the Secretary under that section.

33 **§ 2083.03. National Maritime Heritage Grants Program**

34 (a) ESTABLISHMENT.—There is in the Department of the Interior the
 35 National Maritime Heritage Grants Program, to foster in the American
 36 public a greater awareness and appreciation of the role of maritime endeav-
 37 ors in our Nation's history and culture. The Program shall consist of—

1 (1) annual grants to the National Trust for subgrants administered
 2 by the National Trust for maritime heritage education projects under
 3 subsection (b); and

4 (2) grants to State Historic Preservation Officers for maritime herit-
 5 age preservation projects carried out or administered by those Officers
 6 under subsection (c).

7 (b) GRANTS FOR MARITIME HERITAGE EDUCATION PROJECTS.—

8 (1) GRANTS TO NATIONAL TRUST.—The Secretary, subject to para-
 9 graph (2), and the availability of amounts for that purpose under sec-
 10 tion 2083.04(b)(1)(A) of this title, shall make an annual grant to the
 11 National Trust for maritime heritage education projects.

12 (2) USE OF GRANTS.—Amounts received by the National Trust as
 13 an annual grant under this subsection shall be used to make subgrants
 14 to State and local governments and private nonprofit organizations to
 15 carry out education projects that have been approved by the Secretary
 16 under subsection (f) and that consist of—

17 (A) assistance to any maritime museum or historical society
 18 for—

19 (i) existing and new educational programs, exhibits, edu-
 20 cational activities, conservation, and interpretation of arti-
 21 facts and collections;

22 (ii) minor improvements to educational and museum facili-
 23 ties; and

24 (iii) other similar activities;

25 (B) activities designed to encourage the preservation of tradi-
 26 tional maritime skills, including—

27 (i) building and operation of vessels of all sizes and types
 28 for educational purposes;

29 (ii) special skills such as wood carving, sail making, and
 30 rigging;

31 (iii) traditional maritime art forms; and

32 (iv) sail training;

33 (C) other educational activities relating to historic maritime re-
 34 sources, including—

35 (i) maritime educational waterborne-experience programs
 36 in historic vessels or vessel reproductions;

37 (ii) maritime archaeological field schools; and

38 (iii) educational programs on other aspects of maritime his-
 39 tory;

40 (D) heritage programs focusing on maritime historic resources,
 41 including maritime heritage trails and corridors; or

1 (E) the construction and use of reproductions of historic mari-
 2 time resources for educational purposes, if a historic maritime re-
 3 source no longer exists or would be damaged or consumed through
 4 direct use.

5 (c) GRANTS FOR MARITIME HERITAGE PRESERVATION PROJECTS.—

6 (1) GRANTS TO STATE HISTORIC PRESERVATION OFFICERS.—The
 7 Secretary, acting through the National Maritime Initiative of the Serv-
 8 ice and subject to paragraph (2), and the availability of amounts for
 9 that purpose under section 2083.04(b)(1)(B) of this title, shall make
 10 grants to State Historic Preservation Officers for maritime heritage
 11 preservation projects.

12 (2) USE OF GRANTS.—Amounts received by a State Historic Preser-
 13 vation Officer as a grant under this subsection shall be used by the
 14 Officer to carry out, or to make subgrants to local governments and
 15 private nonprofit organizations to carry out, projects that have been
 16 approved by the Secretary under subsection (f) for the preservation of
 17 historic maritime resources through—

18 (A) identification of historic maritime resources, including un-
 19 derwater archaeological sites;

20 (B) acquisition of historic maritime resources for the purposes
 21 of preservation;

22 (C) repair, restoration, stabilization, maintenance, or other cap-
 23 ital improvements to historic maritime resources, in accordance
 24 with standards prescribed by the Secretary; and

25 (D) research, recording (through drawings, photographs, or oth-
 26 erwise), planning (through feasibility studies, architectural and en-
 27 gineering services, or otherwise), and other services carried out as
 28 part of a preservation program for historic maritime resources.

29 (d) CRITERIA FOR DIRECT GRANT AND SUBGRANT ELIGIBILITY.—To
 30 qualify for a subgrant from the National Trust under subsection (b), or a
 31 direct grant to or a subgrant from a State Historic Preservation Officer
 32 under subsection (c), a person shall—

33 (1) demonstrate that the project for which the direct grant or
 34 subgrant will be used has the potential for reaching a broad audience
 35 with an effective educational program based on American maritime his-
 36 tory, technology, or the role of maritime endeavors in American culture;

37 (2) match the amount of the direct grant or subgrant, on a 1-to-
 38 1 basis, with non-Federal assets from non-Federal sources, which may
 39 include cash or donated services fairly valued as determined by the Sec-
 40 retary;

1 (3) maintain records as may be reasonably necessary to fully dis-
2 close—

3 (A) the amount and the disposition of the proceeds of the direct
4 grant or subgrant;

5 (B) the total cost of the project for which the direct grant or
6 subgrant is made; and

7 (C) other records as may be required by the Secretary, including
8 such records as will facilitate an effective accounting for project
9 funds;

10 (4) provide access to the Secretary for the purposes of any required
11 audit and examination of any records of the person; and

12 (5) be a unit of State or local government, or a private nonprofit
13 organization.

14 (e) PROCEDURES, TERMS, AND CONDITIONS.—

15 (1) APPLICATION PROCEDURES.—An application for a subgrant
16 under subsection (b), or a direct grant or subgrant under subsection
17 (c), shall be submitted under procedures prescribed by the Secretary.

18 (2) TERMS AND CONDITIONS.—A person may not receive a subgrant
19 under subsection (b), or a direct grant or subgrant under subsection
20 (c), unless the person agrees to assume, after completion of the project
21 for which the direct grant or subgrant is awarded, the total cost of the
22 continued maintenance, repair, and administration of any property for
23 which the subgrant will be used in a manner satisfactory to the Sec-
24 retary.

25 (f) ALLOCATION OF, AND LIMITATION ON, GRANT FUNDING.—

26 (1) ALLOCATION.—To the extent feasible, the Secretary shall ensure
27 that the amount made available under subsection (b) for maritime her-
28 itage education projects is equal to the amount made available under
29 subsection (c) for maritime heritage preservation projects.

30 (2) LIMITATION.—The amount provided by the Secretary in a fiscal
31 year as grants under this section for projects relating to historic mari-
32 time resources owned or operated by the Federal Government shall not
33 exceed 40 percent of the total amount available for the fiscal year for
34 grants under this section.

35 (g) PUBLICATION OF DIRECT GRANT AND SUBGRANT INFORMATION.—
36 The Secretary shall publish annually in the Federal Register and otherwise
37 as the Secretary considers appropriate—

38 (1) a solicitation of applications for direct grants and subgrants
39 under this section;

40 (2) a list of priorities for the making of those direct grants and sub-
41 grants;

1 (3) a single deadline for the submission of applications for those di-
 2 rect grants and subgrants; and

3 (4) other relevant information.

4 (h) DIRECT GRANT AND SUBGRANT ADMINISTRATION.—

5 (1) RESPONSIBILITY.—

6 (A) NATIONAL TRUST.—The National Trust is responsible for
 7 administering subgrants for maritime heritage education projects
 8 under subsection (b).

9 (B) SECRETARY.—The Secretary is responsible for admin-
 10 istering direct grants for maritime heritage preservation projects
 11 under subsection (c).

12 (C) STATE HISTORIC PRESERVATION OFFICERS.—State Historic
 13 Preservation Officers are responsible for administering subgrants
 14 for maritime heritage preservation projects under subsection (c).

15 (2) ACTIONS.—The appropriate responsible party under paragraph
 16 (1) shall administer direct grants or subgrants by—

17 (A) publicizing the Program to prospective grantees, sub-
 18 grantees, and the public at large, in cooperation with the Service,
 19 the Maritime Administration, and other appropriate government
 20 agencies and private institutions;

21 (B) answering inquiries from the public, including providing in-
 22 formation on the Program as requested;

23 (C) distributing direct grant and subgrant applications;

24 (D) receiving direct grant and subgrant applications and ensur-
 25 ing their completeness;

26 (E) keeping records of all direct grant and subgrant awards and
 27 expenditures of funds;

28 (F) monitoring progress of projects carried out with direct
 29 grants and subgrants; and

30 (G) providing to the Secretary such progress reports as may be
 31 required by the Secretary.

32 (i) ASSISTANCE OF MARITIME PRESERVATION ORGANIZATIONS.—The
 33 Secretary, the National Trust, and the State Historic Preservation Officers
 34 may, individually or jointly, enter into cooperative agreements with any pri-
 35 vate nonprofit organization with appropriate expertise in maritime preserva-
 36 tion issues, or other qualified maritime preservation organizations, to assist
 37 in the administration of the Program.

38 (j) REPORT TO CONGRESS.—The Secretary shall submit to Congress an
 39 annual report on the Program, including—

40 (1) a description of each project funded under the Program in the
 41 period covered by the report;

1 (2) the results or accomplishments of each such project; and

2 (3) recommended priorities for achieving the policy set forth in sec-
3 tion 2083.01 of this title.

4 **§ 2083.04. Funding**

5 (a) AVAILABILITY OF FUNDS FROM SALE AND SCRAPPING OF OBSOLETE
6 VESSELS.—

7 (1) IN GENERAL.—Notwithstanding any other provision of law, the
8 amount of funds credited in a fiscal year to the Vessel Operations Re-
9 volving Fund established by section 50301(a) of title 46 that is attrib-
10 utable to the sale of obsolete vessels in the National Defense Reserve
11 Fleet that are scrapped or sold under section 57102, 57103, or 57104
12 of title 46 shall be available until expended as follows:

13 (A) Fifty percent shall be available to the Administrator of the
14 Maritime Administration for such acquisition, maintenance, repair,
15 reconditioning, or improvement of vessels in the National Defense
16 Reserve Fleet as is authorized under other Federal law.

17 (B) Twenty five percent shall be available to the Administrator
18 of the Maritime Administration for the payment or reimbursement
19 of expenses incurred by or on behalf of State maritime academies
20 or the United States Merchant Marine Academy for facility and
21 training ship maintenance, repair, and modernization, and for the
22 purchase of simulators and fuel.

23 (C) The remainder shall be available to the Secretary to carry
24 out the Program, as provided in subsection (b).

25 (2) APPLICABILITY.—Paragraph (1) does not apply to amounts cred-
26 ited to the Vessel Operations Revolving Fund before July 1, 1994.

27 (b) USE OF AMOUNTS FOR PROGRAM.—

28 (1) IN GENERAL.—Except as provided in paragraph (2), of amounts
29 available each fiscal year for the Program under subsection (a)(1)(C)—

30 (A) one half shall be used for grants under section 2083.03(b)
31 of this title; and

32 (B) one half shall be used for grants under section 2083.03(c)
33 of this title.

34 (2) ADMINISTRATIVE EXPENSES.—

35 (A) IN GENERAL.—Not more than 15 percent or \$500,000,
36 whichever is less, of the amount available for the Program under
37 subsection (a)(1)(C) for a fiscal year may be used for expenses of
38 administering the Program.

39 (B) ALLOCATION.—Of the amount available under subpara-
40 graph (A) for a fiscal year—

1 (i) one half shall be allocated to the National Trust for ex-
 2 penses incurred in administering grants under section
 3 2083.03(b) of this title; and

4 (ii) one half shall be allocated as appropriate by the Sec-
 5 retary to the Service and participating State Historic Preser-
 6 vation Officers.

7 (c) DISPOSAL OF VESSELS.—

8 (1) REQUIREMENT.—The Secretary of Transportation shall dispose
 9 of all vessels described in paragraph (2)—

10 (A) in accordance with a priority system for disposing of vessels,
 11 as determined by the Secretary, that shall include provisions re-
 12 quiring the Maritime Administration to—

13 (i) dispose of all deteriorated high priority ships that are
 14 available for disposal within 12 months of their designation
 15 as available for disposal; and

16 (ii) give priority to the disposition of those vessels that pose
 17 the most significant danger to the environment or cost the
 18 most to maintain;

19 (B) in the manner that provides the best value to the Federal
 20 Government, except in any case in which obtaining the best value
 21 would require towing a vessel and the towing poses a serious
 22 threat to the environment; and

23 (C) in accordance with the plan of the Department of Transpor-
 24 tation for disposal of those vessels and requirements under sec-
 25 tions 57102 to 57104 of title 46.

26 (2) VESSELS DESCRIBED.—The vessels referred to in paragraph (1)
 27 are the vessels in the National Defense Reserve Fleet after July 1,
 28 1994, that—

29 (A) are not assigned to the Ready Reserve Force component of
 30 the National Defense Reserve Fleet; and

31 (B) are not specifically authorized or required by statute to be
 32 used for a particular purpose.

33 (d) TREATMENT OF AVAILABLE AMOUNTS.—Amounts available under
 34 this section shall not be considered in any determination of the amounts
 35 available to the Department of the Interior.

36 **§ 2083.05. Designation of America's National Maritime Mu-**
 37 **seum**

38 (a) IN GENERAL.—America's National Maritime Museum is comprised of
 39 those museums designated by law to be museums of America's National
 40 Maritime Museum on the basis that they—

1 (1) house a collection of maritime artifacts clearly representing the
2 Nation's maritime heritage; and

3 (2) provide outreach programs to educate the public about the Na-
4 tion's maritime heritage.

5 (b) INITIAL DESIGNATION.—The following museums (meeting the criteria
6 specified in subsection (a)) are designated as museums of America's Na-
7 tional Maritime Museum:

8 (1) The Mariners' Museum, located at 100 Museum Drive, Newport
9 News, Virginia.

10 (2) The South Street Seaport Museum, located at 207 Front Street,
11 New York, New York.

12 (c) FUTURE DESIGNATION OF OTHER MUSEUMS NOT PRECLUDED.—The
13 designation of the museums referred to in subsection (b) as museums of
14 America's National Maritime Museum does not preclude the designation by
15 law of any other museum that meets the criteria specified in subsection (a)
16 as a museum of America's National Maritime Museum.

17 (d) REFERENCE TO MUSEUMS.—Any reference in any law, map, regula-
18 tion, document, paper, or other record of the United States to a museum
19 designated by law to be a museum of America's National Maritime Museum
20 shall be deemed to be a reference to that museum as a museum of Amer-
21 ica's National Maritime Museum.

22 **§ 2083.06. Regulations**

23 The Secretary, after consultation with the National Trust, the National
24 Conference of State Historic Preservation Officers, and appropriate mem-
25 bers of the maritime heritage community, shall prescribe appropriate guide-
26 lines, procedures, and regulations to carry out the chapter, including direct
27 grant and subgrant priorities, the method of solicitation and review of direct
28 grant and subgrant proposals, criteria for review of direct grant and
29 subgrant proposals, administrative requirements, reporting and record-
30 keeping requirements, and any other requirements the Secretary considers
31 appropriate.

32 **§ 2083.07. Application of authorities**

33 The authorities contained in this chapter shall be in addition to, and shall
34 not be construed to supercede or modify those contained in division B of
35 this subtitle.

36 **CHAPTER 2085—PRESERVE AMERICA PROGRAM**

Sec.

2085.01. Purpose.

2085.02. Definitions.

2085.03. Establishment.

2085.04. Designation of Preserve America Communities.

2085.05. Regulations.

2085.06. Authoriztion of appropriations.

1 **§ 2085.01. Purpose**

2 The purpose of this chapter is to authorize the Preserve America Pro-
3 gram, including—

4 (1) the Preserve America grant program within the Department of
5 the Interior;

6 (2) the recognition programs administered by the Advisory Council
7 on Historic Preservation; and

8 (3) the related efforts of Federal agencies, working in partnership
9 with State, tribal, and local governments and the private sector, to sup-
10 port and promote the preservation of historic resources.

11 **§ 2085.02. Definitions**

12 In this chapter:

13 (1) COUNCIL.—The term “Council” means the Advisory Council on
14 Historic Preservation.

15 (2) HERITAGE TOURISM.—The term “heritage tourism” means the
16 conduct of activities to attract and accommodate visitors to a site or
17 area based on the unique or special aspects of the history, landscape
18 (including trail systems), and culture of the site or area.

19 (3) PROGRAM.—The term “program” means the Preserve America
20 Program established under section 2085.03(a).

21 **§ 2085.03. Establishment**

22 (a) IN GENERAL.—There is established in the Department of the Interior
23 the Preserve America Program, under which the Secretary, in partnership
24 with the Council, may provide competitive grants to States, local govern-
25 ments (including local governments in the process of applying for designa-
26 tion as Preserve America Communities under section 2085.04 of this title,
27 Indian tribes, communities designated as Preserve America Communities
28 under section 2085.04 of this title, State historic preservation offices, and
29 tribal historic preservation offices to support preservation efforts through
30 heritage tourism, education, and historic preservation planning activities.

31 (b) ELIGIBLE PROJECTS.—

32 (1) IN GENERAL.—The following projects shall be eligible for a grant
33 under this chapter:

34 (A) A project for the conduct of—

35 (i) research on, and documentation of, the history of a
36 community; and

37 (ii) surveys of the historic resources of a community.

38 (B) An education and interpretation project that conveys the
39 history of a community or site.

1 (C) A planning project (other than building rehabilitation) that
 2 advances economic development using heritage tourism and his-
 3 toric preservation.

4 (D) A training project that provides opportunities for profes-
 5 sional development in areas that would aid a community in using
 6 and promoting its historic resources.

7 (E) A project to support heritage tourism in a Preserve America
 8 Community designated under section 2085.04 of this title.

9 (F) Other nonconstruction projects that identify or promote his-
 10 toric properties or provide for the education of the public about
 11 historic properties that are consistent with the purposes of this
 12 chapter.

13 (2) LIMITATION.—In providing grants under this chapter, the Sec-
 14 retary shall provide only one grant to each eligible project selected for
 15 a grant.

16 (e) PREFERENCE.—In providing grants under this chapter, the Secretary
 17 may give preference to projects that carry out the purposes of both the pro-
 18 gram and the Save America's Treasures Program.

19 (d) CONSULTATION AND NOTIFICATION.—

20 (1) CONSULTATION.—The Secretary shall consult with the Council in
 21 preparing the list of projects to be provided grants for a fiscal year
 22 under the program.

23 (2) NOTIFICATION.—Not later than 30 days before the date on
 24 which the Secretary provides grants for a fiscal year under the pro-
 25 gram, the Secretary shall submit to the Committee on Energy and Nat-
 26 ural Resources and the Committee on Appropriations of the Senate and
 27 the Committee on Natural Resources and the Committee on Appropria-
 28 tions of the House of Representatives a list of any eligible projects that
 29 are to be provided grants under the program for the fiscal year.

30 (e) COST-SHARING REQUIREMENT.—

31 (1) IN GENERAL.—The non-Federal share of the cost of carrying out
 32 a project provided a grant under this chapter shall be not less than
 33 50 percent of the total cost of the project.

34 (2) FORM OF NON-FEDERAL SHARE.—The non-Federal share re-
 35 quired under paragraph (1) shall be in the form of—

36 (A) cash; or

37 (B) donated supplies and related services, the value of which
 38 shall be determined by the Secretary.

39 (3) REQUIREMENT.—The Secretary shall ensure that each applicant
 40 for a grant has the capacity to secure, and a feasible plan for securing,

1 the non-Federal share for an eligible project required under paragraph
2 (1) before a grant is provided to the eligible project under the program.

3 **§ 2085.04. Designation of Preserve America Communities**

4 (a) APPLICATION.—To be considered for designation as a Preserve Amer-
5 ica Community, a community, tribal area, or neighborhood shall submit to
6 the Council an application containing such information as the Council may
7 require.

8 (b) CRITERIA.—To be designated as a Preserve America Community
9 under the program, a community, tribal area, or neighborhood that submits
10 an application under subsection (a) shall, as determined by the Council, in
11 consultation with the Secretary, meet criteria required by the Council and,
12 in addition, consider—

13 (1) protection and celebration of the heritage of the community, trib-
14 al area, or neighborhood;

15 (2) use of the historic assets of the community, tribal area, or neigh-
16 borhood for economic development and community revitalization; and

17 (3) encouragement of people to experience and appreciate local his-
18 toric resources through education and heritage tourism programs.

19 (c) LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRES-
20 ERVATION ACTIVITIES.—The Council shall establish an expedited process
21 for Preserve America Community designation for local governments pre-
22 viously certified for historic preservation activities under section 2027.02 of
23 this title.

24 (d) GUIDELINES.—The Council, in consultation with the Secretary, shall
25 establish any guidelines that are necessary to carry out this section.

26 **§ 2085.05. Regulations**

27 The Secretary shall develop any guidelines and issue any regulations that
28 the Secretary determines to be necessary to carry out this chapter.

29 **§ 2085.06. Authorization of appropriations**

30 There is authorized to be appropriated to carry out this chapter
31 \$25,000,000 for each fiscal year, to remain available until expended.

32 **CHAPTER 2087—SAVE AMERICA'S TREASURES**
33 **PROGRAM**

Sec.

2087.01. Purpose.

2087.02. Definitions.

2087.03. Establishment.

2087.04. Regulations.

2087.05. Authorization of appropriations.

34 **§ 2087.01. Purpose**

35 The purpose of this chapter is to authorize within the Department of the
36 Interior the Save America's Treasures Program, to be carried out by the
37 Director, in partnership with—

- 1 (1) the National Endowment for the Arts;
 2 (2) the National Endowment for the Humanities;
 3 (3) the Institute of Museum and Library Services;
 4 (4) the National Trust for Historic Preservation;
 5 (5) the National Conference of State Historic Preservation Officers;
 6 (6) the National Association of Tribal Historic Preservation Officers;
 7 and
 8 (7) the President’s Committee on the Arts and the Humanities.

9 **§ 2087.02. Definitions**

10 In this chapter:

- 11 (1) COLLECTION.—The term “collection” means a collection of intel-
 12 lectual and cultural artifacts, including documents, sculpture, and
 13 works of art.
 14 (2) ELIGIBLE ENTITY.—The term “eligible entity” means a Federal
 15 entity, State, local, or tribal government, educational institution, or
 16 nonprofit organization.
 17 (3) HISTORIC PROPERTY.—The term “historic property” has the
 18 meaning given the term in section 2011.03 of this title.
 19 (4) NATIONALLY SIGNIFICANT.—The term “nationally significant”
 20 means a collection or historic property that meets the applicable cri-
 21 teria for national significance, in accordance with regulations promul-
 22 gated by the Secretary pursuant to section 2023.03 of this title.
 23 (5) PROGRAM.—The term “program” means the Save America’s
 24 Treasures Program established under section 2087.03(a) of this title.
 25 (6) SECRETARY.—The term “Secretary” means the Secretary, acting
 26 through the Director.

27 **§ 2087.03. Establishment**

- 28 (a) IN GENERAL.—There is established in the Department of the Interior
 29 the Save America’s Treasures Program, under which the amounts made
 30 available to the Secretary under section 2087.05 of this title shall be used
 31 by the Secretary, in consultation with the organizations described in section
 32 2087.01 of this title, subject to subsection (f)(1)(B), to provide grants to
 33 eligible entities for projects to preserve nationally significant collections and
 34 historic properties.
 35 (b) DETERMINATION OF GRANTS.—Of the amounts made available for
 36 grants under section 2087.05 of this title, not less than 50 percent shall
 37 be made available for grants for projects to preserve collections and historic
 38 properties, to be distributed through a competitive grant process adminis-
 39 tered by the Secretary, subject to the eligibility criteria established under
 40 subsection (e).

1 (c) APPLICATION FOR GRANTS.—To be considered for a competitive grant
2 under the program an eligible entity shall submit to the Secretary an appli-
3 cation containing such information as the Secretary may require.

4 (d) COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR COMPETI-
5 TIVE GRANTS.—

6 (1) IN GENERAL.—A collection or historic property shall be provided
7 a competitive grant under the program only if the Secretary determines
8 that the collection or historic property is—

9 (A) nationally significant; and

10 (B) threatened or endangered.

11 (2) ELIGIBLE COLLECTIONS.—A determination by the Secretary re-
12 garding the national significance of collections under paragraph (1)(A)
13 shall be made in consultation with the organizations described in sec-
14 tion 2087.01 of this title, as appropriate.

15 (3) ELIGIBLE HISTORIC PROPERTIES.—To be eligible for a competi-
16 tive grant under the program, a historic property shall, as of the date
17 of the grant application—

18 (A) be listed in the National Register of Historic Places at the
19 national level of significance; or

20 (B) be designated as a National Historic Landmark.

21 (e) SELECTION CRITERIA FOR GRANTS.—

22 (1) IN GENERAL.—The Secretary shall not provide a grant under
23 this chapter to a project for an eligible collection or historic property
24 unless the project—

25 (A) eliminates or substantially mitigates the threat of destruc-
26 tion or deterioration of the eligible collection or historic property;

27 (B) has a clear public benefit; and

28 (C) is able to be completed on schedule and within the budget
29 described in the grant application.

30 (2) PREFERENCE.—In providing grants under this chapter, the Sec-
31 retary may give preference to projects that carry out the purposes of
32 both the program and the Preserve America Program.

33 (3) LIMITATION.—In providing grants under this chapter, the Sec-
34 retary shall only provide one grant to each eligible project selected for
35 a grant.

36 (f) CONSULTATION AND NOTIFICATION BY SECRETARY.—

37 (1) CONSULTATION.—

38 (A) IN GENERAL.—Subject to subparagraph (B), the Secretary
39 shall consult with the organizations described in section 2087.01
40 of this title in preparing the list of projects to be provided grants
41 for a fiscal year by the Secretary under the program.

1 (B) LIMITATION.—If an entity described in subparagraph (A)
 2 has submitted an application for a grant under the program, the
 3 entity shall be recused by the Secretary from the consultation re-
 4 quirements under that subparagraph and subsection (a).

5 (2) NOTIFICATION.—Not later than 30 days before the date on
 6 which the Secretary provides grants for a fiscal year under the pro-
 7 gram, the Secretary shall submit to the Committee on Energy and Nat-
 8 ural Resources of the Senate, the Committee on Appropriations of the
 9 Senate, the Committee on Natural Resources of the House of Rep-
 10 resentatives, and the Committee on Appropriations of the House of
 11 Representatives a list of any eligible projects that are to be provided
 12 grants under the program for the fiscal year.

13 (g) COST-SHARING REQUIREMENT.—

14 (1) IN GENERAL.—The non-Federal share of the cost of carrying out
 15 a project provided a grant under this chapter shall be not less than
 16 50 percent of the total cost of the project.

17 (2) FORM OF NON-FEDERAL SHARE.—The non-Federal share re-
 18 quired under paragraph (1) shall be in the form of—

19 (A) cash; or

20 (B) donated supplies or related services, the value of which shall
 21 be determined by the Secretary.

22 (3) REQUIREMENT.—The Secretary shall ensure that each applicant
 23 for a grant has the capacity and a feasible plan for securing the non-
 24 Federal share for an eligible project required under paragraph (1) be-
 25 fore a grant is provided to the eligible project under the program.

26 **§ 2087.04. Regulations**

27 The Secretary shall develop any guidelines and issue any regulations that
 28 the Secretary determines to be necessary to carry out this chapter.

29 **§ 2087.05. Authorization of appropriations**

30 There is authorized to be appropriated to carry out this chapter
 31 \$50,000,000 for each fiscal year, to remain available until expended.

32 **CHAPTER 2089—COMMEMORATION OF FORMER** 33 **PRESIDENTS**

Sec.

2089.01. Sites and structures that commemorate former Presidents.

34 **§ 2089.01. Sites and structures that commemorate former** 35 **Presidents**

36 (a) SURVEY.—The Secretary may conduct a survey of sites that the Sec-
 37 retary considers exhibit qualities most appropriate for the commemoration
 38 of each former President. The survey may—

39 (1) include sites associated with the deeds, leadership, or lifework of
 40 a former President; and

1 (2) identify sites or structures historically unrelated to a former
2 President but that may be suitable as a memorial to honor that Presi-
3 dent.

4 (b) REPORTS.—The Secretary shall, from time to time, prepare and
5 transmit to the Committee on Natural Resources of the House of Rep-
6 resentatives and the Committee on Energy and Natural Resources of the
7 Senate reports on individual sites and structures identified in a survey
8 under subsection (a), together with the Secretary's recommendation as to
9 whether the site or structure is suitable for establishment as a national his-
10 toric site or national memorial to commemorate a former President. Each
11 report shall include pertinent information with respect to the need for acqui-
12 sition of land and interests in land, the development of facilities, and the
13 operation and maintenance of the site or structure and the estimated cost
14 of the operation and maintenance.

15 (c) ESTABLISHMENT AS NATIONAL HISTORIC SITE.—If during the 6-
16 month period following the transmittal of a report pursuant to subsection
17 (b) neither Committee has by vote of a majority of its members disapproved
18 a recommendation of the Secretary that a site or structure is suitable for
19 establishment as a national historic site, the Secretary may by appropriate
20 order establish the site or structure as a national historic site, including the
21 land and interests in land identified in the report accompanying the rec-
22 ommendation of the Secretary.

23 (d) ACQUISITION OF LAND AND INTERESTS IN LAND.—The Secretary
24 may acquire the land and interests in land by donation, purchase with do-
25 nated or appropriated funds, transfer from any other Federal agency, or ex-
26 change.

27 (e) EFFECT OF SECTION.—Nothing in this section shall be construed as
28 diminishing the authority of the Secretary under chapter 201 of this title
29 or as authorizing the Secretary to establish any national memorial, creation
30 of which is expressly reserved to Congress.

31 **DIVISION D—AMERICAN ANTIQUITIES**
32 **CHAPTER 201—MONUMENTS, RUINS, SITES, AND**
33 **OBJECTS OF ANTIQUITY**

Sec.

2201.01. National monuments.

2201.02. Permits.

2201.03. Regulations.

2201.04. Criminal penalty.

34 **§ 2201.01. National monuments**

35 (a) PRESIDENTIAL DECLARATION.—The President may declare by public
36 proclamation historic landmarks, historic and prehistoric structures, and
37 other objects of historic or scientific interest that are situated on land
38 owned or controlled by the Federal Government to be national monuments.

1 (b) RESERVATION OF LAND.—The President may reserve a parcel of land
2 as a part of a national monument. The limits of the parcel shall be confined
3 to the smallest area compatible with the proper care and management of
4 the objects to be protected.

5 (c) RELINQUISHMENT TO FEDERAL GOVERNMENT.—When an object is
6 situated on a parcel covered by a bona fide unperfected claim or held in
7 private ownership, the parcel, or so much of the parcel as may be necessary
8 for the proper care and management of the object, may be relinquished to
9 the Federal Government and the Secretary may accept the relinquishment
10 of the parcel on behalf of the Federal Government.

11 (d) LIMITATION ON EXTENSION OR ESTABLISHMENT OF NATIONAL
12 MONUMENTS IN WYOMING.—No extension or establishment of national
13 monuments in Wyoming may be undertaken except by express authorization
14 of Congress.

15 § 2201.02. Permits

16 (a) AUTHORITY TO GRANT PERMIT.—The Secretary, the Secretary of
17 Agriculture, or the Secretary of the Army may grant a permit for the exam-
18 ination of ruins, the excavation of archaeological sites, and the gathering
19 of objects of antiquity on land under their respective jurisdictions to an in-
20 stitution that the Secretary, Secretary of Agriculture, or Secretary of the
21 Army, as applicable, considers properly qualified to conduct the examina-
22 tion, excavation, or gathering. The permit may be granted subject to such
23 regulations as the Secretary, Secretary of Agriculture, or Secretary of the
24 Army may prescribe.

25 (b) PURPOSE OF EXAMINATION, EXCAVATION, OR GATHERING.—A per-
26 mit may be granted only if—

27 (1) the examination, excavation, or gathering is undertaken for the
28 benefit of a reputable museum, university, college, or other recognized
29 scientific or educational institution, with a view to increasing the
30 knowledge of the objects; and

31 (2) the gathering shall be made for permanent preservation in a pub-
32 lic museum.

33 § 2201.03. Regulations

34 The Secretary, the Secretary of Agriculture, and the Secretary of the
35 Army shall make and publish uniform regulations for the purpose of car-
36 rying out this chapter.

37 § 2201.04. Criminal penalty

38 Any person that appropriates, excavates, injures, or destroys any historic
39 or prehistoric ruin or monument or any other object of antiquity under
40 chapter 2201 of this title that is situated on land owned or controlled by
41 the Federal Government without the permission of the Secretary having ju-

1 jurisdiction over the land on which the object is situated, shall be fined under
2 title 18, imprisoned not more than 90 days, or both.

3 **SEC. 4. CONFORMING AMENDMENTS.**

4 (a) TITLE 28.—

5 (1) IN GENERAL.—Part VI of title 28, United States Code, is
6 amended by adding at the end the following:

7 **“CHAPTER 190—MISCELLANEOUS**

“Sec.

“5001. Civil action for death or personal injury in national park or other place subject to
exclusive jurisdiction of United States.

8 **“§ 5001. Civil action for death or personal injury in national**
9 **park or other place subject to exclusive jurisdic-**
10 **tion of United States**

11 “(a) DEATH.—In the case of the death of an individual by the neglect
12 or wrongful act of another in a national park or other place subject to the
13 exclusive jurisdiction of the United States, within the exterior boundaries of
14 any State, a right of action shall exist as though the national park or other
15 place were under the jurisdiction of the State within whose exterior bound-
16 aries the national park or other place may be.

17 “(b) PERSONAL INJURY.—In a civil action brought to recover on account
18 of injuries sustained in a place described in subsection (a), the rights of the
19 parties shall be governed by the laws of the State within the exterior bound-
20 aries of which the place may be.”.

21 (2) ANALYSIS.—The analysis of chapters for part VI of title 28,
22 United States Code, is amended by adding at the end the following:

“190. Miscellaneous 5001”.

23 (b) ACT OF MAY 26, 2000.—Section 1 of Public Law 106–206 (114 Stat.
24 314) is amended to read as follows:

25 **“SECTION 1. COMMERCIAL FILMING.**

26 “(a) COMMERCIAL FILMING FEE.—The Secretary of Agriculture (here-
27 after referred to as the ‘Secretary’) shall require a permit and shall estab-
28 lish a reasonable fee for commercial filming activities or similar projects on
29 Federal land administered by the Secretary. Such fee shall provide a fair
30 return to the United States and shall be based upon the following criteria:

31 “(1) The number of days the filming activity or similar project takes
32 place on Federal land under the Secretary’s jurisdiction.

33 “(2) The size of the film crew present on Federal land under the
34 Secretary’s jurisdiction.

35 “(3) The amount and type of equipment present.

36 “The Secretary may include other factors in determining an appropriate fee
37 as the Secretary deems necessary.

1 “(b) RECOVERY OF COSTS.—The Secretary shall also collect any costs in-
 2 curred as a result of filming activities or similar project, including but not
 3 limited to administrative and personnel costs. All costs recovered shall be
 4 in addition to the fee assessed in subsection (a) of this section.

5 “(c) STILL PHOTOGRAPHY.—(1) Except as provided in paragraph (2), the
 6 Secretary shall not require a permit nor assess a fee for still photography
 7 on land administered by the Secretary if such photography takes place
 8 where members of the public are generally allowed. The Secretary may re-
 9 quire a permit, fee, or both, if such photography takes place at other loca-
 10 tions where members of the public are generally not allowed, or where addi-
 11 tional administrative costs are likely.

12 “(2) The Secretary shall require and shall establish a reasonable fee for
 13 still photography that uses models or props which are not a part of the
 14 site’s natural or cultural resources or administrative facilities.

15 “(d) PROTECTION OF RESOURCES.—The Secretary shall not permit any
 16 filming, still photography or other related activity if the Secretary deter-
 17 mines—

18 “(1) there is a likelihood of resource damage;

19 “(2) there would be an unreasonable disruption of the public’s use
 20 and enjoyment of the site; or

21 “(3) that the activity poses health or safety risks to the public.

22 “(e) USE OF PROCEEDS.—(1) All fees collected under this section shall
 23 be available for expenditure by the Secretary, without further appropriation.
 24 All fees collected shall remain available until expended.

25 “(2) All costs recovered under this section shall be available for expendi-
 26 ture by the Secretary, without further appropriation, at the site where col-
 27 lected. All costs recovered shall remain available until expended.

28 “(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall estab-
 29 lish a process to ensure that permit applicants for commercial filming, still
 30 photography, or other activity are responded to in a timely manner.”.

31 (e) CREDIT CARD ACCOUNTABILITY RESPONSIBILITY AND DISCLOSURE
 32 ACT OF 2009.—Section 512 of the Credit Card Accountability Responsi-
 33 bility and Disclosure Act of 2009 (Public Law 111–24, 123 Stat. 1764) is
 34 amended to read as follows:

35 “**SEC. 512. PROTECTING AMERICANS FROM VIOLENT**
 36 **CRIME.**

37 “(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

38 “(1) The Second Amendment to the Constitution provides that ‘the
 39 right of the people to keep and bear Arms, shall not be infringed’.

40 “(2) Section 27.42 of title 50, Code of Federal Regulations, provides
 41 that, except in special circumstances, citizens of the United States may

1 not ‘possess, use, or transport firearms on national wildlife refuges’ of
2 the United States Fish and Wildlife Service.

3 “(3) The regulations described in paragraph (2) prevent individuals
4 complying with Federal and State laws from exercising the second
5 amendment rights of the individuals while at units of the National
6 Wildlife Refuge System.

7 “(4) The existence of different laws relating to the transportation
8 and possession of firearms at different units of the National Wildlife
9 Refuge System entrapped law-abiding gun owners while at units of the
10 National Wildlife Refuge System.

11 “(5) Although the Bush administration issued new regulations relat-
12 ing to the Second Amendment rights of law-abiding citizens in units
13 of the National Wildlife Refuge System that went into effect on Janu-
14 ary 9, 2009—

15 “(A) on March 19, 2009, the United States District Court for
16 the District of Columbia granted a preliminary injunction with re-
17 spect to the implementation and enforcement of the new regula-
18 tions; and

19 “(B) the new regulations—

20 “(i) are under review by the administration; and

21 “(ii) may be altered.

22 “(6) Congress needs to weigh in on the new regulations to ensure
23 that unelected bureaucrats and judges cannot again override the Sec-
24 ond Amendment rights of law-abiding citizens on 90,790,000 acres of
25 land under the jurisdiction of the United States Fish and Wildlife Serv-
26 ice.

27 “(7) Federal laws should make it clear that the second amendment
28 rights of an individual at a unit of the National Wildlife Refuge System
29 should not be infringed.

30 “(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS
31 OF THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary shall
32 not promulgate or enforce any regulation that prohibits an individual from
33 possessing a firearm, including an assembled or functional firearm, in any
34 unit of the National Wildlife Refuge System if—

35 “(1) the individual is not otherwise prohibited by law from pos-
36 sessing the firearm; and

37 “(2) the possession of the firearm is in compliance with the law of
38 the State in which the unit of the National Wildlife Refuge System is
39 located.”.

1 **SEC. 5. CONFORMING CROSS-REFERENCES.**

2 (a) TITLE 10.—Section 2684(c)(1) of title 10, United States Code, is
3 amended by striking “section 101(a) of the National Historic Preservation
4 Act (16 U.S.C. 470a(a))” and substituting “section 2023.01 of title 54”.

5 (b) TITLE 23.—Title 23, United States Code, is amended—

6 (1) in section 103(e)(5)—

7 (A) in subparagraph (B), by striking “section 106 of the Na-
8 tional Historic Preservation Act (16 U.S.C. 470f)” and sub-
9 stituting “section 2053.02 of title 54”; and

10 (B) in subparagraph (C), by striking “section 106 of the Na-
11 tional Historic Preservation Act (16 U.S.C. 470f)” and sub-
12 stituting “section 2053.02 of title 54”;

13 (2) in section 133(e)(5)(B)—

14 (A) by striking “title II of the National Historic Preservation
15 Act (16 U.S.C. 470i et seq.)” and substituting “section 2041.01
16 of title 54”; and

17 (B) by striking “section 106 of such Act (16 U.S.C. 470f)” and
18 substituting “section 2053.02 of title 54”; and

19 (3) in section 138(b)(2)(A), by striking “section 106 of the National
20 Historic Preservation Act (16 U.S.C. 470f)” and substituting “section
21 2053.02 of title 54”.

22 (c) TITLE 36.—Section 153513(a)(1) of title 36, United States Code, is
23 amended by striking “the Act of August 25, 1916 (16 U.S.C. 1 et seq.)
24 (known as the National Park Service Organic Act)” and substituting “chap-
25 ter 1003 and sections 1009.01(a), 1009.06, 1021.01, and 1021.02 of title
26 54”.

27 (d) TITLE 40.—Title 40, United States Code, is amended—

28 (1) in section 550(h)(1)(B), by striking “section 3 of the Act of Au-
29 gust 21, 1935 (16 U.S.C. 463) (known as the Historic Sites, Buildings,
30 and Antiquities Act)” and substituting “section 1039.02 of title 54”;

31 (2) in section 1303(c), by striking “the Act of August 21, 1935 (16
32 U.S.C. 461 et seq.) (known as the Historic Sites, Buildings, and Antiq-
33 uities Act)” and substituting “chapter 2001 of title 54”;

34 (3) in section 1314(a)(2)(A)(ii), by striking “the Act of August 25,
35 1916 (16 U.S.C. 1, 2, 3, 4) (known as the National Park Service Or-
36 ganic Act)” and substituting “chapter 1003 and sections 1009.01(a),
37 1009.06, 1021.01, and 1021.02 of title 54”;

38 (4) in section 3303(c), by striking “title II of the National Historic
39 Preservation Act (16 U.S.C. 470i et seq.)” and substituting “section
40 2041.01 of title 54”; and

1 (5) in section 3306(a)(4), by striking “section 101 of the National
 2 Historic Preservation Act (16 U.S.C. 470a)” and substituting “chapter
 3 2023 of title 54”.

4 **SEC. 6. TRANSITIONAL AND SAVINGS PROVISIONS.**

5 (a) DEFINITIONS.—In this section:

6 (1) SOURCE PROVISION.—The term “source provision” means a pro-
 7 vision of law that is replaced by a title 54 provision.

8 (2) TITLE 54 PROVISION.—The term “title 54 provision” means a
 9 provision of title 54, United States Code, that is enacted by section 3.

10 (b) CUTOFF DATE.—The title 54 provisions replace certain provisions of
 11 law enacted on or before January 5, 2011. If a law enacted after that date
 12 amends or repeals a source provision, that law is deemed to amend or re-
 13 peal, as the case may be, the corresponding title 54 provision. If a law en-
 14 acted after that date is otherwise inconsistent with a title 54 provision or
 15 a provision of this Act, that law supersedes the title 54 provision or provi-
 16 sion of this Act to the extent of the inconsistency.

17 (c) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of de-
 18 termining whether one provision of law supersedes another based on enact-
 19 ment later in time, a title 54 provision is deemed to have been enacted on
 20 the date of enactment of the source provision that the title 54 provision re-
 21 places.

22 (d) REFERENCES TO TITLE 54 PROVISIONS.—A reference to a title 54
 23 provision is deemed to refer to the corresponding source provision.

24 (e) REFERENCES TO SOURCE PROVISIONS.—A reference to a source pro-
 25 vision, including a reference in a regulation, order, or other law, is deemed
 26 to refer to the corresponding title 54 provision.

27 (f) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A
 28 regulation, order, or other administrative action in effect under a source
 29 provision continues in effect under the corresponding title 54 provision.

30 (g) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or
 31 an offense committed under a source provision is deemed to have been taken
 32 or committed under the corresponding title 54 provision.

33 **SEC. 7. REPEALS.**

34 The following provisions of law are repealed, except with respect to rights
 35 and duties that matured, penalties that were incurred, or proceedings that
 36 were begun before the date of enactment of this Act:

Schedule of Laws Repealed

Act	Section	United States Code Former Classification
Act of June 8, 1906 (ch. 3060)	1	16 U.S.C. 433.
	2	16 U.S.C. 431.
	3	16 U.S.C. 432.
	4	16 U.S.C. 432.

Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
Act of August 25, 1916 (ch. 408)	1	16 U.S.C. 1.
	2	16 U.S.C. 2.
	3	16 U.S.C. 3.
	4	16 U.S.C. 4.
Act of June 12, 1917 (ch. 27)	1 (13th undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 453.
	1 (21st undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 452.
Act of June 5, 1920 (ch. 235)	1 (2d undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 6.
Act of May 24, 1922 (ch. 199)	(1st sentence in 9th undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 452.
Act of April 9, 1924 (ch. 86)	1	16 U.S.C. 8.
	4	16 U.S.C. 8a.
	5	16 U.S.C. 8b.
	6	16 U.S.C. 8c.
Act of May 10, 1926 (ch. 277)	1 (28th undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 456.
	1 (last undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 11.
Act of June 11, 1926 (ch. 555)	1	16 U.S.C. 455.
	2	16 U.S.C. 455a.
	3	16 U.S.C. 455b.
	4	16 U.S.C. 455e.
Act of July 3, 1926 (ch. 792)	1	16 U.S.C. 12.
	2	16 U.S.C. 13.
Act of February 1, 1928 (ch. 15) .....	.....	16 U.S.C. 457.
Act of March 7, 1928 (ch. 137)	1 (28th undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 15.
Act of March 8, 1928 (ch. 152) .....	.....	16 U.S.C. 458.
Act of April 18, 1930 (ch. 187) .....	.....	16 U.S.C. 16.
Act of May 26, 1930 (ch. 324)	1	16 U.S.C. 17.
	3	16 U.S.C. 17b.
	4	16 U.S.C. 17c.
	5	16 U.S.C. 17d.
	6	16 U.S.C. 17e.
	7	16 U.S.C. 17f.
	8	16 U.S.C. 17g.
	9	16 U.S.C. 17h.
	10	16 U.S.C. 17i.
	11	16 U.S.C. 17j.
	Act of March 4, 1931 (ch. 522)	title I (proviso in last undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 9a.
Act of March 2, 1933 (ch. 180)	1	16 U.S.C. 9a.

Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
Act of May 9, 1935 (ch. 101)	1 (34th undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 14b, 456a.
Act of August 21, 1935 (ch. 593)	1	16 U.S.C. 461.
	2	16 U.S.C. 462.
	3	16 U.S.C. 463.
	4	16 U.S.C. 464.
	5	16 U.S.C. 465.
	6	16 U.S.C. 466.
	7	16 U.S.C. 467.
Act of June 23, 1936 (ch. 735)	1	16 U.S.C. 17k.
	2	16 U.S.C. 17l.
	3	16 U.S.C. 17m.
	4	16 U.S.C. 17n.
Act of May 10, 1939 (ch. 119)	1 (41st undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 14a.
Act of June 18, 1940 (ch. 395)	1 (proviso in 3d undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 17j-1.
Act of July 19, 1940 (ch. 642)	1	16 U.S.C. 18.
	2	16 U.S.C. 18a.
	3	16 U.S.C. 18b.
	4	16 U.S.C. 18c.
	5	16 U.S.C. 18d.
Act of August 27, 1940 (ch. 690)	1	16 U.S.C. 458a.
Act of June 28, 1941 (ch. 259)	1 (41st undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 14c.
Act of August 7, 1946 (ch. 788) .....	.....	16 U.S.C. 17j-2.
Act of June 3, 1948 (ch. 401)	1	16 U.S.C. 8e.
	2	16 U.S.C. 8f.
Act of October 26, 1949 (ch. 755)	1	16 U.S.C. 468.
	2	16 U.S.C. 468a.
	3	16 U.S.C. 468b.
	4	16 U.S.C. 468c.
	5	16 U.S.C. 468d.
Act of March 18, 1950 (ch. 72)	1	16 U.S.C. 7a.
	2	16 U.S.C. 7b.
	3	16 U.S.C. 7c.
	4	16 U.S.C. 7d.
	5	16 U.S.C. 7e.
Act of September 14, 1950 (ch. 950)	1 (last sentence proviso relating to national monuments).	16 U.S.C. 431a.
	1 (last sentence proviso relating to national parks).	16 U.S.C. 451a.
Act of August 8, 1953 (ch. 384)	1	16 U.S.C. 1b.
	2	16 U.S.C. 1c.
	3	16 U.S.C. 1d.
Act of August 31, 1954 (ch. 1163) .....	.....	16 U.S.C. 452a.
Act of July 1, 1955 (ch. 259)	1	16 U.S.C. 18f.
	2	16 U.S.C. 18f-2.
	3	16 U.S.C. 18f-3.

Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
Act of June 27, 1960 (Pub. L. 86-523)	1	16 U.S.C. 469.
	2	16 U.S.C. 469a.
	3	16 U.S.C. 469a-1.
	4	16 U.S.C. 469a-2.
	5	16 U.S.C. 469a-3.
	6	16 U.S.C. 469b.
	7	16 U.S.C. 469c.
	8	16 U.S.C. 469c-1.
Act of August 24, 1962 (Pub. L. 87-608)		16 U.S.C. 3b.
Act of May 28, 1963 (Pub. L. 88-29) ...	1	16 U.S.C. 460l.
	2	16 U.S.C. 460l-1.
	3	16 U.S.C. 460l-2.
	4	16 U.S.C. 460l-3.
Land and Water Conservation Fund Act of 1965 (Pub. L. 88-578)	title I, § 1(b)	16 U.S.C. 460l-4.
	title I, § 2	16 U.S.C. 460l-5.
	title I, § 3	16 U.S.C. 460l-6.
	title I, § 4(i)(1)(C)	16 U.S.C. 460l-6a(i)(1)(C).
	title I, § 4(j)-(n)	16 U.S.C. 460l-6a(j)-(n).
	title I, § 5	16 U.S.C. 460l-7.
	title I, § 6	16 U.S.C. 460l-8.
	title I, § 7	16 U.S.C. 460l-9.
	title I, § 8	16 U.S.C. 460l-10.
	title I, § 9	16 U.S.C. 460l-10a.
	title I, § 10	16 U.S.C. 460l-10b.
	title I, § 11	16 U.S.C. 460l-10c.
	title I, § 12	16 U.S.C. 460l-10d.
title I, § 13	16 U.S.C. 460l-10e.	
title II, § 201	16 U.S.C. 460l-11.	
National Historic Preservation Act (Pub. L. 89-665)	1	16 U.S.C. 470.
	2	16 U.S.C. 470-1.
	101	16 U.S.C. 470a.
	102	16 U.S.C. 470b.
	103	16 U.S.C. 470c.
	104	16 U.S.C. 470d.
	105	16 U.S.C. 470e.
	106	16 U.S.C. 470f.
	107	16 U.S.C. 470g.
	108	16 U.S.C. 470h.
	109	16 U.S.C. 470h-1.
	110	16 U.S.C. 470h-2.
	111	16 U.S.C. 470h-3.
	112	16 U.S.C. 470h-4.
	113	16 U.S.C. 470h-5.
	201	16 U.S.C. 470i.
	202	16 U.S.C. 470j.
	203	16 U.S.C. 470k.
	204	16 U.S.C. 470l.
	205	16 U.S.C. 470m.
	206	16 U.S.C. 470n.
	207	16 U.S.C. 470o.
	208	16 U.S.C. 470p.
	209	16 U.S.C. 470q.
	210	16 U.S.C. 470r.
	211	16 U.S.C. 470s.
	212	16 U.S.C. 470t.
	213	16 U.S.C. 470u.
	214	16 U.S.C. 470v.
	215	16 U.S.C. 470v-1.
	216	16 U.S.C. 470v-2.
	301	16 U.S.C. 470w.
	302	16 U.S.C. 470w-1.
	303	16 U.S.C. 470w-2.
	304	16 U.S.C. 470w-3.
	305	16 U.S.C. 470w-4.
	306	16 U.S.C. 470w-5.
	307	16 U.S.C. 470w-6.
	308	16 U.S.C. 470w-7.
	309	16 U.S.C. 470w-8.
	401	16 U.S.C. 470x.
	402	16 U.S.C. 470x-1.
	403	16 U.S.C. 470x-2.
	404	16 U.S.C. 470x-3.
	405	16 U.S.C. 470x-4.
	406	16 U.S.C. 470x-5.
	407	16 U.S.C. 470x-6.

Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
Demonstration Cities and Metropolitan Development Act of 1966 (Pub. L. 89-754)	603	16 U.S.C. 470b-1.
Act of December 18, 1967 (Pub. L. 90-209)	1	16 U.S.C. 19e.
	2	16 U.S.C. 19f.
	3	16 U.S.C. 19g.
	4	16 U.S.C. 19h.
	5	16 U.S.C. 19i.
	6	16 U.S.C. 19j.
	7	16 U.S.C. 19k.
	8	16 U.S.C. 19l.
	9	16 U.S.C. 19m.
	10	16 U.S.C. 19n.
	11	16 U.S.C. 19o.
Act of July 15, 1968 (Pub. L. 90-401)	5	16 U.S.C. 460l-22.
Volunteers in the Parks Act of 1969 (Pub. L. 91-357)	1	16 U.S.C. 18g.
	2	16 U.S.C. 18h.
	3	16 U.S.C. 18i.
	4	16 U.S.C. 18j.
Act of August 18, 1970 (Pub. L. 91-383)	1	16 U.S.C. 1a-1.
	3	16 U.S.C. 1a-2.
	6	16 U.S.C. 1a-3.
	7	16 U.S.C. 1a-4.
	8	16 U.S.C. 1a-5.
	10	16 U.S.C. 1a-6.
	12	16 U.S.C. 1a-7.
	13	16 U.S.C. 1a-7a.
Act of September 28, 1976 (Pub. L. 94-429)	1	16 U.S.C. 1901.
	2	16 U.S.C. 1902.
	4	16 U.S.C. 1903.
	5	16 U.S.C. 1904.
	6	16 U.S.C. 1905.
	7	16 U.S.C. 1906.
	8	16 U.S.C. 1907.
	9	16 U.S.C. 1908.
	10	16 U.S.C. 1909.
	11	16 U.S.C. 1910.
	12	16 U.S.C. 1911.
	13	16 U.S.C. 1912.
Act of August 15, 1978 (Pub. L. 95-344)	title III, § 301	16 U.S.C. 2301.
	title III, § 302	16 U.S.C. 2302.
	title III, § 303	16 U.S.C. 2303.
	title III, § 304	16 U.S.C. 2304.
	title III, § 305	16 U.S.C. 2305.
	title III, § 306	16 U.S.C. 2306.
Act of March 5, 1980 (Pub. L. 96-199)	title I, § 120	16 U.S.C. 467b.
National Historic Preservation Act Amendments of 1980 (Pub. L. 96-515)	208	16 U.S.C. 469e-2.
	401	16 U.S.C. 470a-1.
	402	16 U.S.C. 470a-2.
Act of October 12, 1984 (Pub. L. 98-473)	title I, § 101(e) [title I, § 100]	16 U.S.C. 1e.
Act of October 24, 1984 (Pub. L. 98-540)	4(a)	16 U.S.C. 1a-8(a).
International Security and Development Cooperation Act of 1985 (Pub. L. 99-83)	1303	16 U.S.C. 469j.
Act of July 27, 1990 (Pub. L. 101-337)	1	19jj.

Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
	2	19jj-1.
	3	19jj-2.
	4	19jj-3.
	5	19jj-4.
Department of the Interior and Related Agencies Appropriations Act, 1991 (Pub. L. 101-512)	116	16 U.S.C. 18f-1.
Act of November 28, 1990 (Pub. L. 101-628)	title XII, § 1213	16 U.S.C. 1a-9.
	title XII, § 1214	16 U.S.C. 1a-10.
	title XII, § 1215	16 U.S.C. 1a-11.
	title XII, § 1216	16 U.S.C. 1a-12.
	title XII, § 1217	16 U.S.C. 1a-13.
Department of the Interior and Related Agencies Appropriations Act, 1993 (Pub. L. 102-381)	title I (1st proviso in paragraph under heading "ADMINISTRATIVE PROVISIONS" under heading "NATIONAL PARK SERVICE").	16 U.S.C. 14d.
Act of October 26, 1992 (Pub. L. 102-525)	title III, § 301	16 U.S.C. 1a-14.
Agricultural Reconciliation Act of 1993 (Pub. L. 103-66)	title I, § 1401	16 U.S.C. 460l-6c.
Department of the Interior and Related Agencies Appropriations Act, 1994 (Pub. L. 103-138)	title I (3d proviso in paragraph under heading "ADMINISTRATIVE PROVISIONS" under heading "NATIONAL PARK SERVICE").	16 U.S.C. 3a.
National Maritime Heritage Act of 1994 (Pub. L. 103-451)	3	16 U.S.C. 5402.
	4	16 U.S.C. 5403.
	5	16 U.S.C. 5404.
	6	16 U.S.C. 5405.
	7	16 U.S.C. 5406.
	8	16 U.S.C. 5407.
	9	16 U.S.C. 5408.
Omnibus Consolidated Appropriations Act, 1997 (Pub. L. 104-208)	div. A, title I, § 101(d) [title I (3d undesignated paragraph under heading "ADMINISTRATIVE PROVISIONS" under heading "NATIONAL PARK SERVICE")].	16 U.S.C. 1g.
Omnibus Parks and Public Lands Management Act of 1996 (Pub. L. 104-333)	div. I, title VI, § 604	16 U.S.C. 469k.
	div. I, title VIII, § 814(a)	16 U.S.C. 17o.
	div. I, title VIII, § 814(g)	16 U.S.C. 1f.
National Underground Railroad Network to Freedom Act of 1998 (Pub. L. 105-203)	2	16 U.S.C. 469f.
	3	16 U.S.C. 469f-1.
	4	16 U.S.C. 469f-2.
Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105-261)	div. A, title X, § 1068	16 U.S.C. 5409.
National Parks Omnibus Management Act of 1998 (Pub. L. 105-391)	2	16 U.S.C. 5901.
	101	16 U.S.C. 5911.
	102	16 U.S.C. 5912.
	103	16 U.S.C. 5913.

Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
	104	16 U.S.C. 5914.
	201	16 U.S.C. 5931.
	202	16 U.S.C. 5932.
	203	16 U.S.C. 5933.
	204	16 U.S.C. 5934.
	205	16 U.S.C. 5935.
	206	16 U.S.C. 5936.
	207	16 U.S.C. 5937.
	402	16 U.S.C. 5951.
	403	16 U.S.C. 5952.
	404	16 U.S.C. 5953.
	405	16 U.S.C. 5954.
	406	16 U.S.C. 5955.
	407	16 U.S.C. 5956.
	408	16 U.S.C. 5957.
	409	16 U.S.C. 5958.
	410	16 U.S.C. 5959.
	411	16 U.S.C. 5960.
	412	16 U.S.C. 5961.
	413	16 U.S.C. 5962.
	414	16 U.S.C. 5963.
	416	16 U.S.C. 5964.
	417	16 U.S.C. 5965.
	418	16 U.S.C. 5966.
	501	16 U.S.C. 5981.
	801	16 U.S.C. 6011.
Act of May 26, 2000 (Pub. L. 106-206)	1 (relating to the Secretary of the Interior).	16 U.S.C. 460l-6d (relating to the Secretary of the Interior).
Department of the Interior and Related Agencies Appropriations Act, 2002 (Pub. L. 107-63)	title I (paragraph under heading "CONTRIBUTION FOR ANNUITY BENEFITS" under heading "NATIONAL PARK SERVICE").	16 U.S.C. 14e.
Civil War Battlefield Preservation Act of 2002 (Pub. L. 107-359)	2(b)	16 U.S.C. 469k note.
Consolidated Appropriations Resolution, 2003 (Pub. L. 108-7)	div. F, title I (words before proviso in last undesignated paragraph under heading "ADMINISTRATIVE PROVISIONS" under heading "NATIONAL PARK SERVICE").	16 U.S.C. 1h.
	div. F, title I (proviso in last undesignated paragraph under heading "ADMINISTRATIVE PROVISIONS" under heading "NATIONAL PARK SERVICE").	16 U.S.C. 1i.
Consolidated Natural Resources Act of 2008 (Pub. L. 110-229)	title III, subtitle A, § 301	16 U.S.C. 1j.
	title III, subtitle G, § 361(1) ...	16 U.S.C. 469l-1.
	title III, subtitle G, § 361(2) ...	16 U.S.C. 469l-2.
	title III, subtitle G, § 361(3) ...	16 U.S.C. 469l-3.
Omnibus Public Land Management Act of 2009 (Pub. L. 111-11)	title VII, subtitle B, § 7111(b)	16 U.S.C. 469m(b).
	title VII, subtitle B, § 7111(e)	16 U.S.C. 469m(e).
	title VII, subtitle D, § 7301	16 U.S.C. 469k-1.
	title VII, subtitle D, § 7302	16 U.S.C. 469n.
	title VII, subtitle D, § 7303	16 U.S.C. 469o.
	title VII, subtitle E, § 7403	16 U.S.C. 5958.
Credit Card Accountability Responsibility and Disclosure Act of 2009 (Pub. L. 111-24)	title V, § 512 (relating to National Park System).	16 U.S.C. 1a-7b (relating to National Park System).

